

Municipium Ecclesiasticum,
OR, THE
Rights, Liberties, and Authorities
Of The
Christian Church:

**Asserted against all Oppressive Do-
ctrines, and Constitutions.**

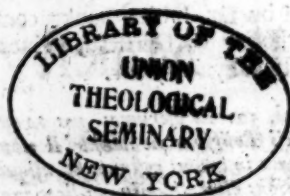
Occasioned by Dr. ~~Wales~~ Book, concerning
the Authority of Christian Princes over
Ecclesiastical Synods &c.

[Samuel Hill.]

Hilar. in Psal. 52. *Et plerumque nos tanquam pro
debiti officii Religione pie adulari Regibus existi-
mamus quia in corpus nostrum sit aliquid Pote-
statis: quibus nihil ultra in nos licet quam febri,
quam incendio, quam naufragio, quam ruina.
His enim casibus corporum pro summa potestate
deservimus, & propter brevem dolorem Liberta-
tem Ecclesie, spei nostre fiduciam, confessionem
Dei addicimus. Inutilis est humana gratia &
irreligiosa sectatio.*

Cyp. Ep. 40. Sect. 4. *Adulterum est, impium
est, sacrilegum est quodcumque humano furare in-
stigitur, ut dispositio divina violetur. & Ep. 63.
Sect. 11. Neque hominis consuetudinem sequi
oportet, sed Dei veritatem.*

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London, and Westminster, 1697.



TO THE
Reverend Dr. Wake,
Chaplain in Ordinary
To His Majesty.

THE Irreligious World is not so
dull, as to need information
what ways are most effectual to
the suppression of Christianity.

A popular contempt of the Myſteries, and
a radical averſion to the Authority of the
Church does the buſineſs ſmoothly, and
without hazard. By Ambition and Avarice,
by Fanaticism and Sedition, the
latter is wholly extinct; and on the ſenſe
hereof Infidelity and Hereſie have made
their insolent advances againſt the former.
In condolence whereat, the Letter
to a Convocation-Man ſeems to have been
offered to the World for the uſe and free-

The Preface.

dom of the Convocations, against the present Impieties in Religion, and rigorous Opinions in matter of Law. 'Twas natural hereupon to expect the insurrection of the Infidels and Hereticks against the Proposals and Power of a Convocation, to prevent their Censure, as well as an assertion of the Laws and Judgments herein from the hands of Lawyers. But who would have dreamed that any Clergy-Man of Dignity and Value in the Church should lift up his heel against her? The wounds of Adversaries, how sharp soever, are neuer mortal to the Church. The judgment of Lawyers is ambulatory, according to the prevalency of Times and Powers, they being only Interpreters of what the Kingdom admits or constitutes for Right and Law. And therefore when the Princes and the Nation submitted to the Pope, the Courts acknowledged and acted upon his Right or Claim of Supremacy; and when the Nation could shake it off, and the King grasp it, then pass the Judgments and Rules of Court accordingly. Nor can they be blamed herein, for so their Office determines them. But when the great Luminaries of the Church shall sign the Theta upon her Rights, Liberties, and Authorities, Deane, and Flumman,

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mane, and this voluntarily, and without any Rhybe offerred, an Menace denounced, the Concession is taken for sincere, and for that cause just; So that the Church of England suffers more by your Book herein, than by all other Lay or Law Oppositions whatsoever. And tis not improbable, but that it may animate the Secular Powers, not only to lay greater restrictions on the Church, but even to abolish all the remainder of her legal Rights and Powers, and put us out of all our Interest in the great Charter of the Land. For the Lay Powers, how strongly soever they desire to settle themselves over all interests, yet generally have such a modesty towards what is Divine or Sacred, as to attempt nothing notoriously violent without the consent of the Church, or her most Eminent Doctors. So K. H. VIII of Famous Memory, notwithstanding all his Claims at common Law, and his interest in his Parliament, thro' Power, and the Rewards by Abbey and Church-Lands, could not have made himself so absolute in Ecclesiasticals, had he not procured before the submission of the Clergy; nor could he have compassed that, but thro' the terror of a Premunire, under which they

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had fallen, and upon which he was resolved to follow his blow, and so to bend or break them. And yet this Act of a Popish, Unreformed, and well nigh Outlawed Convocation extorted for fear of ruine, and thro' ignorance, and non-suspicion of the Acts consequent upon it, prejudices more against our Liberties than all Secular constitutions could possibly have done without it. And must we now consecrate all those procedures, the results of which we see in the total ruine of Ecclesiastical Discipline, and Christian Piety, by our voluntary Pleas and Acclamations; and to gratifie the Civil Powers to an Arbitrary utmost, violate the most important Truths of Principles and Histories, treat the Synods of the Church with spite and contumely, and recommend the greatest slavery of her to the appetite of Civil Powers? How much more Honourable had it been, under a Prince, whose peculiar Province has ever been at the perpetual hazard of his Life to relieve the Oppressed, to have presented him with such Draughts and Schemes of the Divine Rights, Liberties, Authorities, and Discipline of the Church, as might inflame him to a resolution for her rescue; and to add this
last

The Preface.

last Divine *κατασκευα* at the top of all his Glories, as an Eucharistical Duty and Oblation to God, for all his wonderful Providences in his Preservation and Atchievements.

For which cause you have made it absolutely necessary that your Book should be discussed, and its dangerous Errors laid open, to the end that the Publick may be under no temptation from such a work, (inscribed to the Metropolitan) to proceed to further Resolves against the Powers Hierarchical, but may take occasion to review those Laws, thro' which the Church is fallen under her present Impotency; except you, and wiser Heads can shew, which way a Spiritual Discipline may be otherwise restored to a freedom of doing her Duty toward God, in the cleansing the Church, and the renovation of Mens Hearts unto Piety and Devotion.

I have therefore designed an Examination thereof in three Parts. The first concerning the Divine Powers of the Churches of Christ. The second concerning Matters of Fact in Ecclesiastical History. The third concerning the Exigences for a present Convocation.

The Preface.

In the mean time I wish you no more
hast, than a perpetual increase of Merit,
Honour, and Promotion here; and that
which is the only valuable Prospect, a
Blessed Inheritance in the Life to come.

Muni-

(11) 511

Municipium Ecclesiasticum:
OR, THE
Rights, Liberties & Authorities
OF THE
Christian Church Asserted, &c.

CHAP. I.
Of the Divine Right of Synods.

SECT. I.
THE Letter to a Convocation-man does not only suppose that the Words of the Statute of Submission, are interpreted to too great a Restriction of the Convocation, but goes much deeper for a much larger Liberty to the Church herein, upon the Supposition of a Divine Right to all Churches and Synods for Affairs Christian. The Doctor, on the contrary, denies such Divine Authority of Synods, as being but meer prudential Clubs under Heathen Princes, and servile Conventions under Christian ones.

The

*The Letter,**The Doctor.*

" Distinguishing all
 " Power into Spiritu-
 " al and Tempo-
 " ral, founds both
 " of them in God,
 " which no Christi-
 " an will deny of the
 " Ecclesiastical Au-
 " thority; That this
 " can be Rightly
 " Exercised among
 " Christians only;
 " not as enclosed
 " within any Civil
 " State or Commu-
 " nity, but as Mem-
 " bers of a Spiritu-
 " al Society, of which
 " Christ Jesus is the
 " Head, who has al-
 " so given out Laws,
 " and appointed a
 " standing Succession
 " of Officers under
 " himself, for the
 " Government of this
 " Society, which con-
 " tinued near 300
 " Years before any
 " Civil Governours
 " embraced Christi-
 " anity. So that the

Is by no The Case
 means sa- stated on
 tisfied, that each side.
 the Church has any
 Command, or Autho-
 rity from God to as-
 semble Synods; he is
 not aware, that either
 in the Old or New Te-
 stament, there is so
 much as one single di-
 rection given for its so
 doing. And except-
 ing the singular In-
 stance of Acts XV. he
 knows of no Example
 that can with any shew
 of Reason be offered of
 such a Meeting. And
 whether that were such
 a Synod, as of which
 the Question is, may
 justly be doubted. The
 Foundation of Synods
 in the Church, in his
 Opinion, is the same
 as that of Councils in
 the State. The Ne-
 cessities of the Churches,
 when they began to be
 enlarged, first brought
 in the One, as those of
 " Spi-

The Letter.

" Spiritual Authori-
 " ty is not in its
 " own Nature sim-
 " ply dependent on
 " the Temporal. That
 " when supernatural
 " means of Govern-
 " ing the Church,
 " were thought by
 " its Founder to be
 " no more necessary
 " to its continuance, it
 " was left to the best
 " ordinary means of
 " Conduct, and Pre-
 " servation; viz. as-
 " sembling, debating,
 " and by Majority
 " of Voices, deci-
 " ding, concerning
 " the Rules and Prin-
 " ciples of Govern-
 " ment. That the
 " Law of this Socie-
 " ty is made to their
 " hands, not to be
 " altered, added, or
 " diminished; but
 " the applying there-
 " of to particular
 " Cases, explaining
 " Doubts upon it,
 " deducing Conse-
 " quences from it in

The Doctor.

*the Commonwealth did
 the other. And there-
 fore when men are in-
 corporated into Societies
 as well for the service
 of God, and salvation
 of their souls, as for
 their Civil Peace and
 Security, these Assem-
 blies are to be as much
 subject to the Laws of
 the Society, and to be
 regulated by them, as
 any other Publick As-
 semblies are. Nor has
 the Church any inherent
 Divine Right to set it
 at liberty, from being
 concluded by such Rules,
 as the Governing part
 of every Society shall
 prescribe to it, as to this
 matter. ——— As
 for those Realms, in
 which the Civil Power
 is of another Persuasi-
 on, Natural Reason
 will prompt the Mem-
 bers of every Church
 to consult together the
 best they can how to ma-
 nage the Affairs of it,
 and to agree upon such
 Rules and Methods, as
 things*

Then, it
 seems, the
 Church is not
 sociated, till
 incorporated
 with the civil
 State, to spi-
 ritual as well
 as temporal
 Ends.

" things not expli-
 " cily determined
 " already by that
 " Law, and enforce-
 " ing Submission and
 " Obedience to their
 " Determinations, are
 " the proper Objects
 " of their Power,
 " That this Society
 " can better claim an
 " inherent and unal-
 " terable Right to
 " the exercise of this
 " Power, than any
 " Sect among us, it
 " not being Lost by
 " *Magna Charta*, by
 " a Legal Freedom.

*shall seem most proper
 to preserve the Peace
 and Unity of it, and
 to give the least Offence
 that may be to the Go-
 vernment under which
 they live. And what
 Rules are by the com-
 mon consent of every
 such Church agreed to,
 ought to be the Mea-
 sure of assembling and
 acting of Synods in
 such a Country. Thus
 the Doctor, p. 365,
 366, &c.*

*its Giving the Church
 Thus the Letter, p. 17,
 18, 19, 20.*

The Doctor's
Tergiversation.

§. 2. This is what the Doctor replies about
 the Affairs of Ecclesiastical Synods to the
 Letter. Wherein any Man may plainly see,
 that he shuffles, and turns his Back in the ve-
 ry Fundamental Article in Controversie, not
 daring professedly to refute the Hypothesis of
 the Letter by any good Proof from Reason
 or Authority, nor yet ingenuously confessing
 those well-laid Truths, which he was not
 able to oppose; but to steal away the Reader,
 from observing this Impotency, he is fob'd
 off with a poor, precarious, and not so much
 as evasive a Scheme of Imaginations, for
 which he can hardly find any Church-Advo-
 cate,

cate, nor any Credentials from any Divine, or valuable Humane Writings.

§. 3. But before we come to winnow these Terms ex-Elements of *Independent*, or rather *Erastian* plained. Divinity, (for there is a mixture of these Contraries, in which *Erastianism* much preponderates) it is necessary that we fix the principal Terms of Matters Fundamental in this Enquiry. And first for *Authority* in Authority Matters of Government, it is known to signify what. nifie either a just or rightful; or at least lawful Power to rule the Subjects according to Equity, and Laws of Justice, or else an uncontrollable Freedom and Impunity only of acting, which is the privilege of all Supreme Governors, as being above all Legal and Judicial Coercion with their Subjects. Now Right. all Acts of Authority in the former and proper Sense, appear in themselves Good and Right, and no Powers or Persons whatsoever can have any opposite Good and Lawful Authority. But the mere Exercises of an uncontrollable Domination, tho called by the specious name of *Authority*, cannot vacate any Just and Valid Rights, Liberties and Authorities of any Subject, Persons or Societies. For it must be noted, that an Inherent Right and Valid Title cannot be legally extinguished by any External Violations of Freedom, or Obstructions of its Fruition or Practice, which, tho not accountable for at any Domestick Tribunal, shall yet fall under the Sentence and Condemnation of God; the present Ci-

Uncontrollable Domination.

vil Impunity giving no Right to any injurious measures, nor Exemption from that divine Bar. Secondly, We are to define an *Ecclesiastical Council* or *Synod*; wherein I will take the Doctors Definition, namely, 'tis literally *a Meeting of Ecclesiastical Persons* (I mean Ministers) *upon an Ecclesiastical Affair.* (a)

Synod what. And it is either subordinate, consisting of one or more Bishops, and inferiour Ministers, or Co-ordinate, consisting only of one equal Order, either of Bishops alone, or Inferiour Ministers alone. For in want of a Bishop

(d) p. 60. * Cyp. Ep. 3 the Inferiour Clergy are the Council for the
& Ep. 18. vacant Church, according to the limits and powers of their Order. A Convention of

† Cyp. 26 Clergy † under their proper Bishop, for
Sect. 4, & Ep. Ecclesiastical Consultations or Acts, we now
31. Sect. 5. should call a *Diocesan Synod*. A Convention of a College of Bishops for a Province we may call a *Provincial Synod*, which generally ever was attended with the Service of Inferiour Orders. Councils called *General* are of the same Nature in themselves, tho of a larger extent, and not of a Canonical originally, but of Imperial Collection. Other *extraordinary and unusual Conventions* of Select Bishops and Ministers, not delegated so much by the Church upon her regular Constitutions, as convened by the Will only of Princes, may be called *Synods*, tho of themselves they have no *Canonical Authority* for their Acts, which must either stand or fall by the consequent Reception or Refusal of the Church, notwithstanding all the Ratifications that the Temporal Powers give them; a mere *Ecclesiastical*

fiastical Commission from a Prince, being not Ecclesiastical of the same sort of Efficacy and Authority, as Commissioners of Princes no a free Convention of the Powers Ecclesiastical. Canonical Tho therefore such Commissioners may Gram-Synod.

atically be called a *Synod*, yet Canonically a *Synod* is a Convention of the State or Powers Ecclesiastical on their own Right and Authority, whosoever calls them to the Exercise thereof.

Thirdly, we are to consider the Attribute * *Euseb. reck-* of *Christian*, as given either to Princes or pri- one two lay vate Persons. Now * properly a *Christian* *πιστευων* is is a Person baptized into, and continuing in the *μυστηριον* *Christian Faith*; but loosely, and improper- *χρησιν* ly Hereticks claim, and use the Character, *ηδη* *πιστ* which also may improperly be given to such *λογισα* *πρω* as profess a Belief thereof, before ever they *εμμεν*.

are admitted to any Ordinance; or Station of the Church, for so *Constantine* the Great, Dem. cv. l. 2. and *Constantius*, &c. have been reputed *Chri-* c. 4. Sect. 38. *stian Emperors*, tho not Baptized, nor so So *Origen* con. much as admitted *Catechumens*, or *Competents*, Cels. l. 3. till a little before their Death. Which Preli- Ambr. de Myster. initi- minary Explications will be found of great and. c. 4. Aug. Use in this present Controversie. in *Joh.* c. 2. 3. Tract. 11.

§. 4. Being thus harnessed, we will consider the strength of the Doctor's *Hypothesis* first, before we come to justify that of the Letter. First then he makes a *Synod* under Heathen Powers to be but an independent bundle of The Doctor's Principle worse than the Christians in common, contriving their Af Independents- fairs, by no *Authority*, but that of Humane Prudence. But then I shall say, that if this be a *Synod*, such a Concours of mere Lay- Christians may be a *Synod*, and determine the common

common Proceſs of their Conduct. For he places this Care ſimply in the Natural Reaſon of the *Members* of every Church, not the *Governors* nor *Powers* therein conſtituted; for he does not ſuppoſe it a *regular Society*, till incorporated with the *Civil State*. Nor will it help to ſay, that he defines a Synod a *Meeting of Eccleſiaſtical Perſons upon an Eccleſiaſtical Affair*, for all Members of the Church may with Grammatical Propriety be called and accounted *Eccleſiaſtical Perſons* in diſtinction from *Aliens*, or abſolutely; tho Cuſtom has given this Title as a diſtinctive of the *Clergy* from the *Laiety*. So that, tho I, in aſſuming the Doctors Definition of a Synod, do by *Eccleſiaſtical Perſons* mean the *Clergy*, yet 'tis not certain that the Doctor intends ſo, except only of Synods called by *Chriſtian Princes*; but rather theſe *Members* of the Church under Heathen Powers muſt be the *Eccleſiaſtical Perſons*, convened in Synod under them, without any Diſtinction of *Orders*, or *Authorities* among them. And, if we will but add one *Paſtor* among them, here we have the true form of an *Independent Church*, or *Congregation*, which is its own conſtant Synod at all Meetings; only the *Independent Principle* claims a Divine Right, and relies not alone upon mere humane Inauthoritative Prudence, and ſo is nearer to Truth and Reaſon, than the Doctor's. But if the Doctor's Principles be true, that ſuch Synods are Conventi-
~~ent of Church-Members upon Prudence only,~~
 without any inherent Right or Authority,
 wherein they are to give the Infidel Powers
 the

the least Offence that may be, I doubt that Prudence will oblige them not to convene at all. For certainly we are not in Prudence to give Infidel Powers, or any Persons whatsoever any needless Offence at all. But certainly Subjects having no *Authority* to convene, yet convening against the Laws of Civil Powers, do incur their great Offence, which natural Reason cannot prompt Men to. For if *Christians* should be called by such *Infidel Powers* to account for such prohibited Conventions, by what *Authority* they do such things, if they should set forth a good *Divine Authority*, this would be a good, though not perhaps a successful Plea, but if they should say, we have no *Authority* for it, but only *natural Reason* and *Prudence*, how can that direct a Man to disobey Laws, which destroy no Man's *Authority* or *Right*? Nor can it be shifted here, that they have *Right*, but not *Authority*; for, tho even a mere *Right* to *synodize*, is enough to the *judicium* asserted by the Letter, yet a *Right* to *synodize* is a *Right* to a publick Conduct by Rules and Methods to preserve the Peace and Unity of the Church, and that is *Authority*, tho never so democratical. And if they have *natural Reason* for this Conduct, that *Nature* that has given them *just Reason* has given them *just Right* to it; for in such Matters *Right* and *Reason* is the same, *doing Men Right*, being properly called *doing Men Reason*. If then they have *natural Reason*, they have *natural Right*, and if *natural Right*, *natural Authority*.

thority to convene for their publick Conduct ;
 and that is a good Plea against the Laws of
 Infidel Powers. But on the contrary, if they
 have no Authority so to do, they have no Right,
 and if no Right, no Reason, and if no Reason,
 how can this be done without Offence against
 the Civil Powers that forbid it, and have just
 Right indeed to forbid all Assemblies, which
 have no Authority, Right, or Reason. But to
 conclude, the Dr. has given these Synods a
 more fundamental Authority than he was a-
 ware of, when he tells us, " that the necessi-
 ties of the Church when it began to be enlarged,
 " brought them into the Church as the necessities
 " of the Councils of State. Very well; and
 a good Parallel: but are not Councils of State
 endued with Authority founded on that popu-
 lar Necessity? The Doctor dares not say No
 to the State, because the Leviathan is not
 safely to be angred; but why then should
 not the Councils of the Church be authoritative
 for its Conduct and Preservation upon the
 same bottom of equal Necessity, and that un-
 der the Heathen Powers? For it appears,
 that on this Necessity Synods were held in the
 Church in full Vigour and Spiritual Authority,
 before there were any Christian States for
 heir Incorporation. And therefore the
 necessity was the greater, and by these the Do-
 ctor's Rules the Authority should be so too,
 tho yet he allows them no Authority, because no
 Society till their Civil Incorporation, which
 is (tho the Doctor sees not the necessary
 Consequence) to deny the Unity of the Ca-
 tholic Church, and its Constitution under
 Spiritual

Common-
 wealth did.

Spiritual Governors of its own, for the three first Centuries of Christianity.

§. 5. But he further tells us, that the In-^{Incorporation}corporation of the Church into the State, being an Association for the saving of their Souls, as well as Secularities, subjects them as much to the Laws and Regulations of Civil Societies, as any other Public Assemblies. This is a bold stroke indeed; for it will put the Constitution of the Hierarchy, and all its Functions, into what Hands, under what Conduct, Times, and Places, &c. the Civil Powers please. They shall enable a Layman to ordain, and Minister Sacraments, to Preach, Excommunicate, Absolve, Consecrate, and degrade, and do all things by an Arbitrary Legislation and Government thereupon; and well then may this Incorporation into Society promote the ~~Service of God~~ and Salvation of Men, with all Secular Heavens upon Earth. ~~but~~ I pray what is this Incorporation? Is it making the Church one of the National Estates to concur in the Acts of Legislature? and all her Ratified Canons not only Canon, but Law too, and of Civil Consequences upon the Subject? Or is it only the Protection of the Law from Injuries or Oppressions? or the addition of several Privileges, Honours, and Encouragements? If the first of these only, then was the Church never incorporated into the State under the Roman Empire; (for it was no part of the Legislature) and consequently not thereupon subject to the Laws of the Em-

pire in Matters of Ecclesiastical Conduct. If the second Favour be an Incorporation, then the incorporating Powers have a *Right* to govern the Religion of all other Societies which they tolerate, all Schisms and Heresies whatsoever, exempt by Law from Violences and Oppressions; so that an Orthodox Christian Emperor tolerating, *Novations, Meletians, Arians, Macedonians, Nestorians, Eutychians*, and all other Clans of Heresies, had full *Right*, and good *Authority* to govern all their several respective Counsels, and Discipline, and to ratifie all their Synodical Acts, Canons, and Sentences. *O Sanctas Gentes!* What a mighty Supremacy would this be indeed, wherein every Prince so indulgent would be another *Solomon*, and reside not only over God's Church at *Jerusalem*, but over those of *Chomefb, Milcbom, Ashtoreth, &c.* a Supremacy I must needs confess more than divine! And yet I doubt it would not be easily admitted either in *Holland*, or the emulous *England*; where, tho the publick Indulgence is to save their Souls, as well as their Temporals, yet will not the Sectaries part with their Souls to these Indulgent Saviours, nor endure the Thoughts of their Presidency and Conduct in their little Religious Polities, but demand an Exemption as entire as the Chappels of foreign Factories, or Embassadors. Nor can in the third place an Accumulation of all Encouragements, Priviledges and Honours, prevail upon them hereunto; most of them being against a National Church, all of them against a National

tional Religion, i. e. confined to the Laws of a Civil State. And commend me to Scotland, who have acquired all Secular Privileges and Franchises they desired, and yet scorn that a King shall so much as be a Door-keeper to their Holy of Holies, notwithstanding all these their Incorporations; and if the Dr. should preach up his Maxims but on the other side of the Tweed, they would quickly bring him to the stool of Repentance, for teaching their People, or their Sovereign, that Right of Supremacy over Holy Kirk, which they are so far from owning in all Princes, that 'tis with them the most Fundamental Heresie to allow them any at all; as appears by their perpetual Remonstrances upon all Occasions in their Synods.

§. 6. But 'tis not impossible that a Sovereign may contract a Religion contrary and destructive to that which is recieved and established among his People, and which it is not in his Power by Force or Legislative Authority presently to Abolish: As *Izates* King of the *Adiabenes* turning Jew; and, to omit others, King *James* the Second, Roman-Catholick. How graceful in such a Case would it be, to see a King of *England* of Jewish, Popish, Socinian, Presbyterian, Anabaptist, Independent, Quaker, or Muggletonian Principles, or Profession, convening a Church of *England* Convocation, presiding in it in Person, or a Vicar-General of his own persuasions, upon Matters of alteration in the Liturgy and Ca-

Where the Prince is of a different Religion.

non.

nons, or any other Expedients for the good of the Church of *England*, and always twitting the *Synods* with Caveats of that Holy *Statute of Praemunire*, not to speak one word nor syllable to any purpose whatsoever, till such Prince pleases to allow you of his meer grace and motion, as being only of Counsel to this Head of the Church of *England*, who is however to be presumed wiser, to know all times and matters expedient for the Church (which yet by his Religion he is in Conscience bound to abhor and destroy) than whole Convocations, and to prescribe to these his Counsellors herein, as being fitter to be of Counsel unto them, whose Resolves after all, he has Wisdom enough, as well as Authority to ratific, alter, rescind, or annul; so that not what they, but what he shall bind, or loose on Earth, shall be bound or loosed in Heaven; and reason good upon such an Heavenly Authority and Design. By this Ecclesiastical Supremacy which *King James* himself abjured, did he most advantageously for the Church of *England* erect his Ecclesiastical Commission, for the saving of this Church from the Encroachments of the Papal Supremacy. So that by our Incorporation alone, we are all safe Soul and Body, with Lawyers, and Court-Flourishes, let our Supreme Head Be of what Religion he pleases. But Lawyers indeed cannot be blamed for any inconveniences which may happen from a positive Law, and they are obliged to interpret and judge according to the Letter; but for Cler-

by Men to attribute Divinity to Humane
 Laws, whatsoever the results of them be,
 this this ——— But will not here the same
 Right of *Natural Reason* come in, which the
 Dr. asserts to the Chuach, where the Civil
 Power is of another Perswasion, to Con-
 sult together the best they can, and to that
 end Assemble in Synods Ecclesiastical. This
Reason, this Right, and Rule, by the word-
 ing of it in general terms of *another perswa-*
sion, will reach the Case of Churches, not
 only under Heathen Powers, but Christian
 Powers of different Communion and Prin-
 ciples from the pure Church that is in sub-
 jection. And is seem'd Calculated for the
 Case of the French Protestants, or the *Faudoise*
 for Comprehension sake. Now tho' I know
 this to be no Rule of Common or Statute-
 Law here in such Cases, yet will the Dr.
 allow a *Natural Right and Reason* for such
 Liberty, even in opposition to our Laws,
 when our King shall be of another perswa-
 sion? Shall the Church lean upon her own
Autority and Wisdom, not His? This his
 own determination says as much in Gene-
 rals, and yet I believe his Design will not
 permit him to say so for us, no not in our
 Case under the late K. James. And if he
 shall make any Reply upon this Book, I
 do desire him to speak home like a Man to
 this Supposition, and the Case and Demand
 raised on it.

§ 7. Supposing then, according to the
 Dr's Concession, that under Princes of a-
 nother Perswasion, the Church has Right

and *Reason* to hold *Synods* and *Consults*, who must of Office appoint such *Conventions* in the Church? Are they all *Equals*; and so must run high-pigly on *Occasions*, as *People* do to quench an *House* on fire? Or are there any *Superiours*, or *Hierarchi- cal Rulers* in it, in whom the *Conduct* is chiefly lodged for all *Ecclesiastical Con- cernments*? If this latter be the *Constitution* of a Church simply in it self, then will I ask, whether the *Superiours* are to *Assem- ble* themselves alone, or others with them, by virtue of their *Superiority*, or are the *In- ferior*s to give *Rule* to their *Superiours*? I am not willing to believe, that for the sake of a feeble *Hypothesis* the *Dr.* will o- verturn the *Order* of things, especially in the Church, that subsists, as all other *Bod- ies Politick* do, by *Order*; but we'll pre- sume, that the *Right* of *Convention* is lodged in such a *State* in the *Supream Order*. But then by that *Authority*, whence they derived that *Order*; have they *Power* to *Convene Synods* over that Church, which by the *Constitution* of an *Hierarchy* becomes of it self a *Divine* and *Sacred Society*, and is therefore called the *Kingdom of God*, and needs no *Incorporation* with *Civil States*, for the *Service* of *God*, or *Salvation* of *Souls*. And this I think will reduce the *Dr.* to a necessity of granting the Church to be a *Divine Society* under *Orders*, who have a *Di- vine Authority* to hold *Synods* to the preser- vation thereof, where the *Prince* is of ano- ther *Perswasion*.

C H A P. II.

Of the Rights, Liberties, and Authorities of Several, as well Secular, as Sacred Societies, under the Supremacy of Civil Powers.

§. 1. **H**AVING thus Discussed the Virtue of the Dr's own positive Sense of the Churches State and Powers, we will in the next place proceed to examine what he has seemed willing to deny as to the *Hypothesis* of *Divine Right* asserted in the Letter. And in order hereunto, we will be at the pains to descend into the bottoms of *Ecclesiastical* and *Civil* Powers, to try whether these were intended by their *Providential* Author, entirely to swallow up the former, (as the Dr. teaches us) in all particulars, not excepted in God's word by a special reserve.

§. 2. All Society then is either *Subordinate* between Superiours and Subjects, or *Co-ordinate* between Persons or Communities, free and independent of each other. And each of these is either *Natural* only, from the meer obligations of Nature, or *Positive* by voluntary Contract or Constitution. Now of all these, the first and most Fundamental Society, is the *Natural Society*.

Societies distinguished.

*Natural Society between God and Man, maintained
city with God.* by the Offices of *Natural Religion* on our
Tul. de leg. part, and the Acts of God's Paternal Pro-

L. 1.

*Positive Society
with God.*

*Apud Cyp.
Ep. 30. Sect. 2.*

*Qui a Deo, cui
sociari quaris
discrepat,*

*privilegium so-
cietatis amittat.*

*Ripening into
an Ecclesiasti-
cal form.*

*In the days of
Enosh.*

*Under Prophe-
tick Patriarchs.*

*Of which Noah
the Eighth
from Enosh.*

vidence on his. Next hereunto, and im-
mediately hereupon, succeeded a positive
and Federal Society between them, by the
Law and Communications of the Divine
Presence given in Paradise; which Com-
munications and Presence (tho' the Law of
Paradise determined by Man's ejection out
of Paradise) still continued, and were de-
signed for continuance to Posterities, ad-
mitting the *Mystical* Worship of Sacrifices,
as well as the Duties of *Natural Piety*, to
maintain this double Consociation. And
herein was laid the first foundation of *Ec-
clesiastical Society* and Communion with
God, which more formally ripened into
publick and Canonical form; when, the Ge-
nerations of Men increasing under this
double Union in the days of *Enosh*, Men
began to call on the Name of the Lord,
Gen. 4. 26. in publick Assemblies. For
then those, whom under this precedent
course of Divine Communion God had
Educated by his own immediate institution,
he after constituted *Prophets*, and *Preachers*
of *Righteousness* to the Families so *Ecclesiasti-
cally* consociated under God; and of these
Ministers he founded an *Order* and *Successi-
on*, in which *Noah* was the Eighth from
Enosh, *Gen. 5. 2 Pet. 2. 5.* Where those
Families and Generations so consociated un-
der God, and the Sacred Authority and Con-
duct of these *Prophetick Patriarchs*, were a
formal

formal Church, or Ecclesiastical Society, and were called under a Sacred Character, the *Sons of God*, Gen. 6. 2. Now this Society Ecclesiastical, founded not only in Name, but God's positive Constitution also, continued thro' all that vast tract of time, between the Creation (from its Original, and from the days of *Eush*) and the Flood, (as far as appears, or is probable, without the support of the Civil Sword or Magistracy, according to the concurrent Traditions of the very Heathens herein, that in the Golden Age Men lived uprightly of their own accord without need of Judges, and without fear or apprehensions of Bonds and Punishment.

Sons of God.

Continuance of this state to the Flood.

S. 3. The second sort of subordinate Society is the *Matrimonial*, founded in the Structure of the Sexes, and difference in the inward *Figures* and *Powers* of the Soul, and so constituted by a positive determination and Ordination of God, first in the State of Paradise in a less, and after the Fall into Sin, in a greater degree of Subordination, Gen. 2. Gen. 3. And herein God laid a Corporal Foundation and Original of all other Societies to come, for all the Ends and Reasons of the Creation and Providence. And hereupon, as the Rights of this Ordinance is Universal and Personal in God's intention and establishment, so has it continued (tho' not without abuse) as the acknowledged Foundation and Rule of Lawful Succession thro' all Nations.

Matrimonial Society.

Aug. in Gen.

Quest. 143.

Est enim or-

do naturalis

in hominibus,

ut serviant fe-

mine viris, &

filii parenti-

bus; quia est

illic iusticia est

hæc, ut infir-

mior ratio ser-

viat fortiori.

S. 4.

Oeconomical Society. §. 4. The Third Sort of Subordinate Societies, succeeding the former, is the *Oeconomical*, and is either *Natural* between Parents and Children, or *positive*, as between Tutors, and Pupils, Masters, and Servants.

Civil Society. §. 5. The last General Sort of Subordinate Societies, fundamentally designed by God's Providence for the conservation of Mankind, is the *Civil*, entrusted with the Power of the Sword, in defence against all Violences and Oppressions, Domestick or Foreign, for the preservation of those Rights and Liberties, which are necessary to the good order and well being of Mankind in all its forms of Society, which God himself hath founded by *Nature*, *Constitution*, or *Providence*, for a regular and undisturbed Life. For thus St. Paul saith, they are God's Ordinance, and, as such his Ministers, bearing the Sword for our good, to the punishment of Evil Doers, and to the praise of them that do well, Rom. 13. 1, &c. Tho' therefore they may not always in fact execute the design of God their Founder, upon a just Authority lodged in them by the design of Providence, yet they are the intentional Ordinance of God herunto, and herunto only, against which God's bare Negative, i. e. Non-restrictive permissions, in the course of his Providence, of those disorders, into which many times their Eminency, and Lusts consequent upon it, do too fatally hurry them, is no valid Argument, because, tho' not reducible to any account here, they

they are obnoxious to God's Judgements hereafter.

S 6. The second Sort of Society is the Co-ordinate Society Natural, Co-ordinate; and that either by the ties of Nature alone, unto all the natural Offices of Justice and Charity, or by *Contract*, as in Friendships, Factories, Artificial Fraternities, and Commerces, between either Men, or Nations, Cities, Villages, &c. And the general Nature of these Societies is by the intention of God, of a precedent design before Civil Powers, as being also in the Fundamental Reasons of the Civil Superstructure. For Families multiplying Co-ordinately, Sociated themselves first into Vicinities, and Villages, from smaller to greater, for the benefit of mutual succours, beneficences, and intercourse; and from these Rudiments increasing continually, they grew up into Cities, and so Incorporated into forms Political, and falling either into the affectation, or under the Calamity of War from without, or the common and usual Discords among multitudes within, they were led by Providence to admit the Civil and Military Sovereignty, as necessary to their peaceable cohabitation and security, in which the common Felicity was reposed, as an inviolable Trust; and tho' we in this Age, and part of the World do think it the greatest madness to repose such a confidence in single Sovereigns, as was generally done in the first collections into Cities, yet the natural Equity and Humanity of Men was not so far then vitiated, as to render the Integrity of the Prince, dangerous from

Co-ordinate Society Natural, or Political.
The Originals of Civil Society.

Families multiplying into Villages, and thence into Cities, Corporated at last under Princes, as Trustees, to preserve their Rights in Peace.

from whence there appears such a Recorded Unanimity of those Kings and their People, that now to us doth almost seem impossible.

*Abolition of
Sovereigns do
not impair a
quitting the
Rights of the
Community.*

I know indeed the late Celebrated Oracle of all Political Villany has taught Men out of their very Senses, that in the admission of Sovereigns they surrender up to them all their former Rights; but the voice of Nature, and the Oracles of God have taught us far otherwise; and by those I think all wise and good Men will, and must abide.

*Civil Society
not to devour
its Originals.*

§. 7. *Civil Power* was therefore superinduced at last upon all the other substrate forms of Society, not to destroy and devour, but to defend them to the common felicity, except we shall think it the most unnatural Monster, made to devour its own Parents, and Originals. And as to the Laws and Rights Mankind universally has in *Matrimonial, Oeconomical, Fraternal, Amicable, and Factoral Communications and Societies*, no Man does or will doubt but that they are exempt from all right of extinction by *Civil Society*, which cannot stand or exist but upon those Fundamentals. And can it be then imaginable, that it hath a greater right of Dominion over the *Ecclesiastical Society* with God, which being the immediate Unitive in this Life between God and us, and so a *medium* to an Everlasting Happiness in another, was the great End on this side Heaven, for which we were first Created, and for which the other Societies next consequent upon it were designed? *Matrimonial Society* being for the propagation of
Issues,

Issues, *Oeconomical* for the Government of them, and other Minors, and Servants in it: is the *Co-ordinate* for common Beneficences and mutual support here, but all that these Sons of Men may hereby subsist to the Communion with God here, as a pledge of a nearer fruition of him in a State of Eternity. And this general Consideration, that all these forms of Society are God's Ordinances, and of these, the *Religious Society* with God the first in Nature, Dignity, and Time, it cannot be imagined, that God should be divided against himself, in setting up Ordinance against Ordinance, and the meaner and the latter against the first and highest, especially since the Nature of the Society by God ordained, imports a perpetual necessity, and therefore a design of perpetuity in them all. And hereupon it is, that Religion in general, though corrupted and disguised, has yet continued among all Nations, as perpetual and universal, as the *other Societies*, and carried the most publick preeminence, as being the presumed means of a *Divine Society*; and this, not by the bare policy of Secular Powers: (since perhaps in *Princes Courts* it has ever had the least estimation, and true Religion is what the Lusts of Men (especially great Men) are most averse to, and false Religion too gross to impose a credulity upon their acute apprehensions) but (an internal disposition of the Mind, universally promoting Men to the culture of Religion, against all the prejudices and aversions of *Sensuality*, is an Argument

Gods Ordinances not destructive of each other.

ment of a Divine Foundation thereof, which as no Hypocrisie could advance, so no Artifices nor Oppositions can suppress; but it will continue, whether *Civil Powers* will or no; since these are not able to extirpate a Zeal of Superstition, much less then those Fundamental Principles of Religion, upon which not only a frame of true Religion, but even Superstition it self must be built, and which Principles will in all Men have some Productions towards either a true or false Worship of, and Society with a Deity.

§. 8. Now tho' all these are Truths so very clear, and Fundamental to the welfare of Mankind, I desire the Dr. to say our, whether he finds them all express in Scripture, or no. For if he does, then he must grant an *Ecclesiastical Society* antecedent to, and the Rights thereof maintainable by *Civil Powers*, which he does not allow in his *Hypothesis*; or if he will allow it the Divine Right of an *Ecclesiastical* and *Canonical Society*, this will import an *Authority of Consulting*, and *Assembling* to Consult independently on the Superinduced *Civil Powers*, as shall be made out in due place; but if he finds not these Maxims in express terms of Scripture, by a reserve from the Occupations of Civil Power, will he abdicate therefore all these Rights to it, to dissolve all the Laws, and Liberties, and Authorities of the *Adventitious*, *Oeconomical*, and *Co-ordinate Societies*? Or if he be not so unmerciful toward these *Carnal Societies*, can he with Conscience,

or so much as a pretence of Reason, give up all the Powers of the *Divine Society* to the *Civil* Dominion and Pleasure? 'Tis therefore only necessary to prove a *Society* The proof of a Divinely con- Divinely founded by a full and fair Evidence, and then all the *Forms, Rights, and Powers*, necessary to its good Conduct and Conservation, are *ipso facto* asserted against all exteriour Rapes and Usurpations whatsoever.

§. 9. Now to the Eviction hereof at full, it will be necessary to enquire into all the actual Ordinances of God, either by *Nature* only, or by a *positive* Constitution supernatural. To which End, in the first place, it is the voice and dictate of Nature, that Liberty, Time, and Place to do good, are the Primitive, Universal, Eternal, Fundamental, and Unalienable Rights of the Innocent; and in the next place, that the Consociation of Men to the true and publick Worship of God is an act of the highest good, practicable and enjoyable upon Earth, whether we consider its Dignity, in relation to God, and our Nature framed in the likeness of God, to be preserved hereby; or the benefits that result unto them that live in it. But then such a *Society* cannot do its Offices regularly, without the Conduct of the Wise, nor keep it self Holy without the government of the Good; Wisdom and Goodness being necessary to all Government (and this most chiefly in Matters Holy and Divine) to prescribe Directions to the Ignorant, to encourage

Liberty to do good a fundamental right of the innocent.

God's Publick Worship is the greatest good upon Earth.

This requires the conduct of the Wise and Good.

rage the Good, and Correct or Cashier the Evil. This therefore must be laid as a Catholick Rule for all *Religious Society*, simply and in general by the Law of Nature. But we are further to consider, what actual *Society* Nature it self has formed for the adoration of, and Communion with God in Offices of Religion. In Families therefore the Master, by the Ordinance God in Nature and Providence, is the designed and rightful Governour of Religion in his Family ;

*Masters Bishops
of their Families.*

*Aug. in Joh. c. 12.
Trist. 30. Sui omnes ad-
moneat, doceat, hortetur
corripit, impendat be-
nevolentiam, exerceat
disciplinam. Ita in domo
sua ecclesiasticum, &
quodammodo Episcopale
implebit officium, mini-
strans Christo, ut in atri-
um sit cum ipso.*

*A succession of
them to be
maintained by
Education.*

for which by the Law of Nature he is obliged to qualifie himself with as much Wisdom and Piety as he can ; not only for his own Conversation, but the Conduct also of his House, the little Temple of God, as indeed every House should be. This therefore from the beginning is the *Natural Episcopacy* and Care of Parents and Masters towards their Children and the other Members of the Family ; not only as at present they are Subjects and Disciples, but as tis to be expected, that in succession of a few years, these also will commence Masters and Bishops of their proper Families, and are therefore by their own present Parents or Masters to be prepared by good Instructions thereunto, and so downward for ever to all Generations.

And this natural Right and Duty extends it self to the instruction and enforcement of the whole will and purpose of God, as far as it is known, or may be known to the Master, rather

either by Reason only, or Revelation also. *Families to be instructed as well in revealed as natural Religion by the Law of Nature.*
 For the Divine and Supernatural Revelation be a *positive Ordinance* of Gods free purpose, and so under no Eternal Law of Nature, yet they, that by the Law of Nature are Teachers and Rulers in Matters of Piety, are by that Law obliged to propose all that God hath discovered for the promotion of it. For, tho all Graces are *positive Gifts*, yet when given, the Law of Nature requires the culture and improvement of them to good uses, as well as the temporal Blessings of Gods outward Providence. For tho no Law of Nature requires me to be Rich, yet if I am Rich, the Law of Nature obliges me to a suitable munificence. This then is most certainly the Law and Ordinance of Nature in the *Oeconomical* Conduct of Piety and Society with God, tho Mens Apostasy unto Vice has dissolved the practice, by destroying the Appetite and Faculties of most Parents for this Conduct of Religion. For let Mens Manners and Circumstances vary as they will, or may, yet herein, as in all things else, the Laws of Nature alter not. So that tho an ignorant or irreligious Parent cannot excuse the Offices of his Station in Matters Religious, while so unqualified, yet is he obliged still to quit his Vices, and to prosecute the Studies of a Religious Wisdom, which, when acquired, will qualify him for his Charge. From all which it appears, that the *Admonition* being designed for the production of Families, to be consecrated unto the Master into a Community with God, is the chiefest

chiefest End and Reason of their production, it follows, that the *Oeconomical Powers* have no *Authority* to dissolve the *Religious Society* of the Families with God, as being ordained purely for the maintenance and fruition of it. And then *Civil Powers* supervening upon a conglobation of numerous Families, having no *Right* or *proper Lawful Authority*, as Gods Ordinance, to destroy the *Oeconomical Structure* and *Society* on which they are founded and subsist, they cannot extinguish the *Power* nor inhibit the *exercise* of an *Oeconomical Communion* in the service of God, and the Offices necessary thereunto.

Co-ordinate Societies of Villages, &c.

§. 10. From the *Subordinate Societies* of Families, multiplied into Fraternal or Collateral Vicinities, there arose at first the *Co-ordinate Society of Villages*, in which Men settled together for common uses and beneficences, to supply their mutual defects and appetites. For *Necessity* and *Convenience*, and above all the *natural Love of Society* inclined Men unto Neighbourhood, and this to some common agreements and measures of Justice and Kindness for the convenience of Co-habitation; so that Men, thus prompted by Nature, cement themselves together by such a *Fæderal form of Co-ordinate Society*. But the same Reasons that cast them into this mould, require also common Schools of Education. For tho every Master of a Family should be of right fit for this Office in all necessary Principles, yet since in fact many are not, the sense of this defect suggests an obligation upon

of R.
Uzi.

pon it to procure that Education from another, which is necessary in it self, and cannot be had in every home. Now since Principles of true Religion are the most important Matter for Education, 'tis a right of Nature in all Vicinities to have such Schools for Pious Institution, not to be justly denied by any Powers upon Earth. I do not say that the Law of Nature requires every *Village* to have a publick School of Piety, tho *Nature* it self commends it; but that which *Nature* commends, acquires thereby such a *Right*, if Men please to use it, which cannot justly be denied them. But then every *School* is a *subor- Schools sub-*
ordinate Society; and if it be a *School* of *Divinity*, *ordinate Socie-*
tis a *Society* with God, to be Celebrated with *ties.*
Prayers and Devotions, Doctrines, and Precepts, and the Rules of Discipline, and Rectoral Conduct. But, besides particular Schools, thus of Right erigible in all Vicinities so federally and equally sociated, the conscience of God being the only tie to that mutual Justice and Benevolence, which they have contracted to observe, the Law of Nature does require the solemn acknowledgement of that God as a fundamental Principle of their Union, and consequently if not require, as I believe it will, where there is no other superiour and better provision, yet extremely recommend our common Worship and Adoration of God, for his blessing upon *that Society* contracted upon Conscience toward God, together with those Instructions and Remembrances of the Principles of Piety, as may oblige their Conscience, to its more effectual

effectual and availing Religion. This is
 the more to be valued, because as all good
 ought to be open and diffusive, so the Ma-
 jesty of God, who is the Duty and Pra-
 ise of all things, requires true Religion to
 be the most public and unconfined, among
 the most noble, excellent, and important
 Goods, resembling its Divine and infinite
 Object and Author in its Purity, and who
 is not only in its Universal and Public Mani-
 fester and Authority in all public things
 whatsoever? From hence then our Masters
 will justify a Right unto all such persons to
 procure for themselves a public Worship of
 God in a mere State of Natural Religion,
 which implies no Civil Powers supervening
 have any Right or Reason to deny. But
 then such public Worship in public Assemblies
 must be under grave and holy Conduct, and
 this requires Authority, which originally will
 lodge in the Heads of every Family, as a
 standing Council to convene, and consult in
 order for the Conduct of such public Worship,
 till they yield up this natural privilege to any
 other Power; under which however they
 have a Right to some public Religious Local
 Society with God and themselves, and to fre-
 quency of public Devotions in it, which if
 their Superiors will neglect or obstruct, their
 former Right and Liberty reverts to them
 again to assert for, and in God's public wor-
 ship, whether their Superiors will or no, it
 being still to be remembered that public Society
 with God is a fundamental Right and Duty,
 far greater than all others. So that from the
 days

All Good to be
 public and dif-
 fusive.

Public Worship
 to be under gra-
 ve and holy Con-
 duct and Authority.

Heads of Fa-
 milies the Com-
 mon Council for
 more natural
 Religion in vil-
 lages till they
 surrender it up
 to other Powers;
 under which
 they retain a
 Right to fre-
 quency of wor-
 shipping the
 true God.

days of Bel or Nimrod, whose very Names
 danour his Rebellion and Usurpation of
 God's Dominion) the Princes set up the ido-
 latrous Worship of Creatures, and magical
 Priesthoods for the Conduct thereof, prohibi-
 ting the true Worship of the true God, yet any
 Men, Families, Villages, and Cities, might
 have *federally* maintained an Uniformity in
 Offices of *Natural Religion* publicly in the
 Face of those Idolatrous Powers; their Pow-
 ers being indeed the Ordinance of God, but
 not to any lawful Erection of Superstitions,
 nor to the Extinction of his own public Wor-
 ship, which all *Societies* whatsoever are
 obliged to advance.

§. 11. In virtue of these Rights, if the So-
 vereign, under which they are, will not
 assign them just Times, fit Places, and Con-
 veniences for such Solemn and Sacred Ser-
 vice of God, and Offices of Religion, the
 Subject People may out of their own Prop-
 erties provide them for themselves, and offer
 them unto God's Service. And since every
 Subject has Right unto Time, the Ground,
 and Houses, &c. which he by any right
 forms acquires, he may devote what he can
 spare of it to his God, and natural Religi-
 on requires some Tribute of all we have,
 as in Tenancy under the great Lord of all.
 So that whatsoever is thus from a good Se-
 cular Title devoted unto God, becomes his,
 and cannot be taken away without the Sin
 of Sacrilege, since a Subject's private House
 or Vineyard is not liable to any Arbitrary
 Sci-

*Time, Places,
 Conveniences of
 Worship claim-
 able under all
 Powers.*

* *Ambros. Valen-
 tine Jun. Insp.
 Ep. ad Mar-
 cellinam seror.*

Domum pri-
vati nullo po-
tes Jure teme-
rari; Domum
Dei existimas
auferendam.

*Rights of Jew-
ish Synagogues,
&c.*

*Reasons of
asking leave.*

Seizure, as in the Case of *Naboth*. By this *natural Right* the Jews built Synagogues, Schools, and Houses of Prayer, without any *positive* Precept from God, or order from their supream Rulers, that we read of. Upon the same Originals of *Nature* they did the like in all their Colonies & Dispersions, without any Ordinance, that we know of, from the Heathen Powers. And if we will presume leave asked, and granted, (for which presumption there is no great or probable Reason) yet such Petition, and grant of leave does not import a want of antecedent *Right* in the Petitioners to be given by the Petitioned, but only a care for their security in using their Right, by obtaining a permission and impunity in so doing, from those Powers, who before the Crucifixion of Christ, and the determination of the Mosaick Covenant thereupon, had indeed no right to deny them Synagogues, &c. for the teaching the true Law, and the proper Devotions in them lawfully used, but only an uncontrollable force to have oppressed them in these Rights as well as others. So that Caution, Decency, and Peace might incline them in Prudence to petition a liberty in what they had an antecedent *Right* to without Petition or Concession. And to make this clear, the *Martyrs*, or *Cemeteries*, the *Basilica*, and the Schools of the Christian Church, erected and used under Heathen Powers, were voluntarily set up and employ'd in the Christian Worship, upon this *Natural Right*, without any derived from the *Enemy* Powers;

* Who

* Who did indeed of meer necessity some-
times connive at these unpetitioned usages,
but would never have endured the affront of
a Petition to erect Houses of that Worship,
which was designed to the extinction of all the
then established and received Superstitions;
so that tis to be presumed, that had they de-
pended upon Petitions, they would never
have had one Chappel in those Ages in the
whole World.

§. 12. So much then for the *Natural Rights*
and Liberties of *Publick Society* with God in
the Offices of *Natural Devotion*, Religious Ser-
vice, and Society with God; which I think
are made appear valid and unalienable, tho
there be no express reservations of them for
the uses of *Natural Religion* apparent in the
word of God.

CHAP. III.

Of the Authorities Rights and Liberties of Mystick Religion.

§. 1. FROM the meer *Naturally Rational* *Mystick Reli-*
Body of Religion, considered ab- *gious its funda-*
stractly from all supposed *positive* Revelation *tions, Ministers*
(at least miraculously super-natural) pass we *Rights, &c.*
to the consideration of the *Mystick* part of Re-
ligion; upon what *Authority* that is founded,
by what *Ministers* it is Celebrated, and what
Rights, Powers, and Liberties they have in the
administration of it.

Divine Institution.

Divine Institution.

Divine Institution.

Divine Institution.

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Divine Institution.

§. 1. First then, all the *Mysteries* of *My-
stic Religion* must be founded in *Divine positive
Institution* in order to a *Mystical* and *Federal*
Communion with God. For none can pre-
scribe the Rights of such Communion, but he that
is the Founder thereof. So that all *Mysteries*
invented by Men in order to such *Mystic* Com-
munion, either with true or false Gods, are
Impostures, and Sorceries, of which yet the
Priests own not themselves to be the Inven-
ters, but the *Mimes*, with whom they pre-
tend to have and procure a Society; confessing
thereby, that all true and Holy *Federal My-
steries* are, and can only be of *Divine Institution*,
without which no Solemnities in Religion
could merit or procure a Sacred Reverence
and Reception. But being once received a-
mongst the Heathens as Divinely order'd *My-
steries*, they, and their Priests were held in-
violable by the *Civil Powers*, who submitted
the Conduct of their Wars and Chief Affairs
to their *Mythic Interpretations* and Respon-
ses.

*Mysteries and
Priests inviola-
ble.*

*Priests of Di-
vine Ordinance.*

§. 3. Since then *Mythic Institutes* of Society
and Communion with God, must be purely of
Gods *positive Ordinance*, so by that must they
be designed to be under *Order* and *Control*,
which no Man also can by any Humane or Na-
tural Right assume, the *delegation* of God be-
ing as necessary to Authorize the *Minister*, as
the *Institution* of God to the *Ministry*, and
therefore in the Law and Gospel both are or-
dained together. And even before the Law,
even from the beginning of Publick Worship,
the *Patriarchs* were of God made *Prophets*,
Priests,

Prophet and Preacher of Righteousness to the
 Universal World, and was a most eminent
 order to a *Mystick Communion* and
 Society with God. For thus Noah immedi-
 ately after the Flood, by voice of a *Pro-*
phetick Priesthood, which he instituted, he
 offer'd a Sacrifice offering for expiation, and
 and a *Sacred Rite*, to render God propi-
 tious, not only to his then little Family,
 but to all future Generations, as also then
 great Priest and Sacrificer for all Posterities
 to come, and the *Type* of the High-
 Priest of our Salvation, who after he had
 founded his Church in an Ark on the Baptis-
 mal Waters, afterwards Sanctified it with
 his Blood, as one final propitiation for the
 World, never from thence to experience or
 need another Baptismal Instration but the
 Christian. And in like manner the other *My-*
stical Rites, Laws, and Sacrifices of the other
Patriarchs, carried in them a *Typical* reference
 to *Mysteries* hid under them from Generati-
 ons, and unvelled under the Gospel, which
 therefore (being *Prophetical* and *prefigura-*
tive) must be first at least Ministr'd by *Pro-*
phets, tho' their continuance might descend
 by *Order of Succession* in them which were no
Prophets; but then however the *Order*, ow-
 ing its *Original* to a *Prophetick Ordinance*, still
 justifies this truth, that the Ministers of *My-*
stical Offices in Religion, must be such as de-
 rive Authority herein from a Divine Ordi-
 nation. And tho' at first sight the succession
 of the Priesthood seems to have generally
 descended to the First-Born, very probably
 accord-

Noah as a
 Priest and Pro-
 phet, a great
 Type of Christ.

Successive Or-
 ders from a
 Prophetick Ori-
 ginal.

Sacred Succession in the First Born no natural Right of Primogeniture, but of Gods positive Ordinance.

The Succession translated to the Tribe of Levi, &c. inalienably.

according to the *Jewish* Traditions, which seem well grounded in the *Mosaic* History, yet the certain Right of such Sacred Succession was not founded in the *Natural Right of Primogeniture*, but the *Ordinance of God* adorning it with such a Sanctity; tho I know *St. Augustine* and others are willing to believe the *Antediluvian Patriarchs* not to be the *First-Born*, because of the great Age of their Parents, before they beget the *Patriarchs* descending from them; but upon this I think there is no dependence either way, nor Matter neither, since at last it comes all to one, *viz.* That their Sacred *Patriarchate* was the positive Ordinance and Gift of God, and was so therefore in all Successors whatsoever without exception. At length it was transferred by God from the *Phylochal* Successors in the Families of *Jacob* to the House of *Levi*, and the Sons of *Aaron*; from which Tribe and Family twas never alienable by any Kings of their own or Foreign Nations, upon this Principle above set, that a Society of Divine Constitution cannot be rightly dissolved or aliened but by him that founded it. Nor do the frequent Changes of the High-Priests under Heathen Powers conclude against this Truth, because God's having before destroyed the *Succession*, and the *Genealogies* by his Providences tending gradually to a dissolution of that State, according to Gods own Will, and he ratifying however for the time the intruded by the Spirit of Prophecy, shews those changes to be valid, not upon bare hu-
mane

thane presumption, but the Divine purpose. *The arbitrary changes of High-Priests on whose grounds admitted, Sanctity of Heathen Priests*
 And as the Law of God rendred the Rights of the Priesthood inalienable by any Civil Constitution, so the like imagined Sanctity of the Heathen Priesthoods rendred them unobnoxious, as being the supposed Secretaries of their Gods. And indeed so great was ever the lustre of the Priesthood with Princes and People, that probably the Priests who had led the People to an apostacy from God in the design at *Babel*, under their Chief Leader *Nimrod*, did upon their dispersions share the before one Kingdom of God into many, which they severally assumed to themselves, and became the first Kings, according to the old Custom of the same Persons being *Kings and Priests* as,

Priests from the dispersion at Babel becoming the first Kings.

Rex Anius, Rex idem hominum, Phœbiq; Sacerdos.

For so *Melchisedek*, Priest of the most High God in his yearly days was King of Salem; *Melchisedek Priest and King!*
 and if there be any Argument from the Antitype Christ Jesus to the Type, it is certain, that in his humane Nature he performed his Priestly Office, in offering himself up a Sacrifice for us, before he sat down on the Throne of Majesty on high; and by proportion *Melchisedek* his grand Type might be a Priest first in order of reason, (if not time) before he was King, the Priesthood being most certainly planted by God among Men before any Kingly Power. Kingly Power then arising after the Priestly, and lodged at first

Kings Power arising out of Priestly. first in the dispersed Priests over their respective partitions; no wonder, when after the Dignities were divided into different Subjects, that yet the High-Priests retained the same Honours as before, even with the *Lay Princes*, not exorbitating into open Tyranny, which their violation was ever accounted to be, and to call for Divine Vengeance, as in the Tyranny of *Agaveionon* on old *Chrysos* the Priest of *Apollo*. Hence the Priest of *Os*

Joseph's Wife & daughter. (or *Heliopolis*) his Daughter was thought the greatest and fittest Match for *Joseph*, that next unto *Pharaoh* sat Lord over all the Land of *Egypt*; nor were the Priests Lands touched by *Joseph* or *Pharaoh* under the Exigences of that Famine, while all the Land else was sold unto him for Bread; but they were all fed on the Royal Stores at free Cost. And as *Philo* and *Josephus* magnify the *Jewish*

Priests Lands Sacred and inalienable.

Priests Prior to Kings in point of sanctity posterior in point of power.

High-Priesthood above rather than under Royalty, so do the Profane Histories of the Heathens in point of Sanctity give Priesthood the Priority, tho in point of Power they give it to the *Regale*. And it is the more to be wondered this in Heathens, who being altogether Catapultized, one should have thought would have given all to the armed Prince, and no more than his Grace had pleased to the Sacrificing *Hierophant*. Nay, tho Humility be one of the distinctives of Christianity, and so ought most signally to appear in its Priests, against all, even the slightest arrogances, or self Reflections; yet we find, when the assertion of the Sanctity has been necessary to take off *Imperial* insolence, several

veral the best of Catholick Fathers have imi-
tated St. Paul, in magnifying their Office
to the vindication of their Liberty; for
instances of which, there will be occasion in
due place.

*Christian
Priests magni-
fying their Of-
fice against
Kingly Usur-
pations.*

S. 4. To assert therefore the inviolable
Right and Authority of a Divine Ordinance
of Commission against the Powers and De-
signs of Kings, I could here well alledge
Elias his dealing with Baal's Prophets at
Mount Carmel, before Ahab's eyes, and a-
gainst his will; the assembling of the Elders
of Judah and Israel under the first Babylonish
Captivity before Exekiel, to consult their
common Affairs against the interests of the
King of Babylon, and all the opposition of
Prophets made against wicked Princes. But
letting these pass, the singular and extraor-
dinary Case of Jeroboam will not be content
to be omitted. By the Constitution of the
Law (*Exod. 23. 14, 15, 16, 17. and 24.
23, 24.*) all the Men Children of the twelve
Tribes were to appear before God three
times in the year, at the place of his Re-
sidence, which in Jeroboam's time was in Sa-
lomon's Temple at Jerusalem. Now Jeroboam
by particular Prophecy and Providence be-
came King of the Ten Tribes, that re-
volved from Rehoboam the Son of Salomon.
But Jerusalem was the very Metropolis of
Rehoboam's Kingdom; so that fearing that
by this observance of the Law in all his
Males appearing three times a year to Wor-
ship at Jerusalem, his People would return
to

*Jeroboam's
Case.*

to the House of David, he turn'd them away from that Tower of Religion and Society with God at Jerusalem, to the Calves he had set up as the Symbols of God's presence at Dan, and at Bethel. And because the Tribe of Levi would not be with him, he himself became a Priest, and made such as he could get, every one that would, of the meanest People. And now if Worldly Policy, and Civil Counsels will excuse a deflexion from Divine Ordinances, here were all imaginable Plans for excuse, or justification herein. But God, that gave this Law for such appearances at the place of his presence, had back'd it with a promise to prevent all fears of a Surprise. *No Man, saith God, shall desire thy Land, when thou shalt go up to appear before the Lord thy God three times in the year.* But because Jeroboam might perhaps take this Promise only to respect, or intend a security against Aliens, not their fellow Tribes, therefore God sent him a Prophet to Bethel, with a miraculous Power to reclaim him from his dissidence to the observation of the Law, which not working upon the King, this thing became a Sin and Scandal to him, his House, and his People, to their utter extinction; a Decrement for ever to all Earthly Powers, not to entail upon themselves, their Posterities, and their People the Curse of the Almighty, in the violation of his Ordinances.

Jeroboam's
Case exemplified
in all Kings.

But

But to conclude all with some general Considerations on Christianity, I do not at all doubt, but that the Dr. will assert to us Christians, a *Right* and *Liberty*, both *Natural* and *Divine*, to Assemble often in Publick Worship, and Holy Services of the Church, not only on the Lords Day and at our Festivals, Fasts and Vigils; but every day, two, three, or more times a Day, if we can have leisure, tho' our Princes should forbid us these Times and Frequences. I may well add, that we may do these Devotions in Consecrated Places, and several Catholick Appendages of Devotion; tho' for these there be no expresse Command in Scripture, and for most of them no Instances. The Antient Church owned several Usages in the Church for *Canons Apostolical*, and not a few of that Collection, which we have under that Character, descended from the Apostolical Age and Practice, as the Traditions of the most Antient Fathers evince, and the Substrate Reasons of them, will still be of very great Use, and Eternal Convenience. And must we be bound to quit all these (even not *Mystick*) Institutions at the Arbitrary pleasure of *Civil Powers*, while yet *Constantine** (beyond whom I thought no Clergy-man would prescribe or claim Prerogative, for all Christian Princes) thought himself obliged to Revere, and Submit to such Traditional Canons, which were by the Catholick Church, received as of Apostolical Age or Original?

Right of frequent Christian Worship on Holy Days, and other frequent days, and hours, with other Usages.

Canons Apostolical.

* *Constant.*
Mag. ad Sy.
mod. Tyr. ap.
Enseb. de vit.
Const. l. 4.
c. 42. & l. 3.
c. 57.

CHAP. IV.

Of the Divine Right of Christian Synods.

§ 1. **N**OW if we have a *Divine Right* of Convening for Worship in popular Assemblies, with an unalienable *Authority* of using many unscriptural Usages, and convenient Appendages in this Service, why should not our Spiritual Governours have Authority to Assemble in Consultation for the good Conduct of the Common Assemblies, or what Prerogative is violated by this Liberty? But because a *positive* Constitution of God is what Time-servers, and Anti-Hierarchists do so particularly demand from us (tho' very unwilling that you should so squeeze and torment their pretences to a Divine Title) I will however, to gratify even the peevish, endeavour to do the Church, and them too, Reason in this Point.

Our Faith
and Sacra-
ments My-
sterious.

Committed
by God to
set Orders.

§ 2. As then our Faith is a *Mysterious Doctrine*, discovered originally to certain *Christian Patriarchs*, and *Preachers of Righteousness*, whose *Doctoral Office and Order*, has descended by *Ecclesiastical Ordinations* to the whole Church, so our *Sacramental Ordinances* are *Priestly and Hallowing Mysteries*, committed also by *Divine Ordinance*, to proper *Priests*; and lastly, the *Mystick Pow-*

Powers of the *Hierarchy*, of the Keys, of *Hierarchical Powers*, binding and loosing, of remitting and retaining of sins in Earth, to be ratified above by Christ in Heaven, was deposited in the Apostles, the first Fundamental Bishops under Christ, and derived down to all their Successours, with whom he promised his presence, even to the end of the World, that so the Gates of Hell might not prevail over the Church committed to their Charge;

to which end, among others, they are by a *Myistical Imposition of Hands*, blessed and consecrated unto such Measures of the Holy Spirit, as are suitable to so high and holy a Function, and such *Myistical Offices*. Now, if

Consecration by *Myistical Imposition of Hands*

this in Fact be so, then our Rule holds good, that none can attempt these Powers, but by Divine Commission, either Original, or Successive; the Divine Maxim of the Author to the *Hebrews* (c. 5. 4.) holding true of these Priesthoods, as well as those in the House of Aaron; *That no Man taketh this honour unto himself, but he that is called of God, as was Aaron.* Now to secure this Truth and

Priesthood not assumable but by Divine Commission.

Matter of Fact, we have St. Pauls Testimonies to the full, in several places; namely, *That Christ hath placed in the Church Pastors, Teachers, Governments, in which, they that Rule are to Rule well, and with diligence, and to be therefore accounted worthy of, or assigned double Honour, and to be obeyed and submitted to, as they that watch for our Souls, for which they must give Account, as Stewards of Gods Mysteries, 1 Cor. 12. 28. Rom. 12. 8. 1 Tim. 5. 17. Heb. 13. 17. 1 Cor. 4. 1. from whence 'tis as clear as*

Powers Hierarchical instituted by Christ.

Noon day, that the Christian Laity are by Divine Ordinance under *Governors Hierarchi- cal*; And being so, are in a *Subordinate* state of *Ecclesiastical Society* with God under their *Spiritual Rulers*, and being antecedently so before, are therefore independently so con- sociated as to *Civil Societies*, according to the Doctrine of the Letter.

The Catho-
lick Unity of
the Church
as one School
Army, or
Polity under
several Prin-
cipal Gover-
nours.
The Twelve
and the Se-
venty.

§ 3. But this is not all that deserves ob- servation in this matter; But, beside the different Orders of Governours, the *Unity* of the Catholick Church is to be much con- sidered under these several Governours, ei- ther as one Divine *School* of Christian Piety under many *Doctors*; or of one Army in ma- ny Partitions under their respective *Head Officers* or *Lieutenants General* under Christ the great Captain of our Salvation; or as one Polity under many *Optimates*. For first our Saviour came as a *Doctor sent from God*, and gathered under him Disciples, of these he ordained twelve chief *Doctors*, and se- venty Inferiors to collect more unto, and in- struct them in this *School*, when collected. Now a collection of Disciples into one *Society* is but *one School*, how large soever it grows, and how many Teachers soever the En- largements do require. So many *Tutors* there are in one *Colledge*, and many *Colledges* in one *Unversity*. Since then also the whole Catho- lick Church of Christ is but *one general School* of his Foundation, tho' the *Doctors* that teach it have their several Rooms and Mansions for their particular Shares, these Partitions for
Con-

Convenience do not divide the general Society into *Independent Separations*. The same sort of Unity is to be maintained in the Notion of an *Army*, or *Church Militant*, by Sacramental Vow under Christ's Banner, under the conduct of its general Officers. And lastly, if we consider it as the one *City*, or *Kingdom of God*, committed by its Prince (during his absence) to several *Viceroy*s assigned their respective *Districts* and *Jurisdictions*, these are the Bishops succeeding in this Authority to the Apostles. So that this *One School*, *One Army*, *One City*, tho' distributively to be governed by the several Rulers as to particular and local Offices, yet as to the Interests of the common *Unity* and *Preservation* it must be governed *Aristocratically* by common Council and Unanimous *Authority*. And as no Monarch can well Govern without a set of Counsellors to Advise, such as the Clergy, or Chapter of a Diocese ought to be to a Bishop in his District; So the *Optimates* of an *Aristocracy* cannot not only not *Wisely*, but not *Authoritatively* act without Conciliar Forms and Methods, and they are therefore themselves one standing fundamental Council for the whole Subject Body. And hence is the Right of Provincial Synods, to be held all over the Catholick Church, fundamentally necessary to the Catholick Uniformity of Conduct, and *Unity* depending thereupon; to the end, that what each Council resolves, may be transmitted to the rest, and so mutually treated of, if need be,

No Independencies in Christ's Church.

Conciliar Assemblies necessary to an Aristocracy.

The Catholick Right and Primitive use of Provincial Synods.

No need of
Scriptural
Record for
requiring
such forms
of Govern-
ment.

Synods most-
ly upon
emergen-
cies.

Not to be
held con-
stantly in
times of
danger.

by the intervention of Legates, or ratified, if there be no doubt or need of discussion; which was the original form of Catholick Government and Communion in the Christian Church, before the Empire set up Christs Banner; and was received as of Apostolical Canon. So that, if the *Visible Unity* of the Catholick Church, as one common *Society* and Community, be of Divine Structure, the very Truth and Faith hereof immediately imports an *Aristocracy*, and that a Right of *Conciliar* Assemblies and *Legations*. So that there needed no Scriptural Record requiring this, while the Frame and Order hereof was before laid in the first Structure of the Church, and Universally known as Established in it before any Scriptures of the New Testament were conceived or lodged in the *Archives* of the Church, as is confessed by the instances of this *Conciliar* form of Government extant in these Scriptures, to be by and by alledged. For it is further to be considered, that the Convention of these *Synods* is not universally of constant and indispensably necessary frequency, to be fixed to stated times, but upon emergencies mostly, which yet are frequent enough, and in the days of Persecution, 'tis as inconvenient many times to the Spiritual, as dangerous to the Temporal Interests of Christians; 'twas therefore fitter to leave the exercise of that *Authority* free to the publick Ecclesiastick Prudence, as to the actual exercise and manage thereof, than to confine

it

it to particular Rules, Times, and Limits, by Express and Canonical Precept, without reserve to a necessary Liberty. Nor need this be thought strange, since the Assemblies for Doctrine and Worship, tho' apparently of Divine Right, as to daily use and practice, and under absolute Obligations unto ordinary and publick frequency, yet are under no Sabbatical rigour, nor indispenfable precept of Stationary days, being left to the imitation of the Original and Primitive Practices, as much as Times, and Occurrences will permit, or direct, for the best Spiritual Service of the Church. And therefore much more may the convention of Synods be left at Liberty, for whose stated Returns there are no constant nor fixed Reasons, nor Examples in the Scriptures, nor the Writers of the next Succession to the Apostles, even as to times of Peace, much less as to times of Persecution,

§ 4. But further yet, to recommend the reasonableness hereof, let it be considered, that a great deal of the Hierarchical Rules of Order and Polity is truly of Apostolical Prescription, and Catholickly received for such in, and thro' all the first Ages, for which however we have no Catholick Laws, or Canons in Scripture. The General and Primitive Practice of placing Bishops in every City was of Apostolical Direction and Practice, but without a Preceptive Obligation

Cyp. Ep. 56. § 3. Nec quisquam, cum populum nostrum fugari conspexerit metu persecutionis, & spargi, conturbetur, quod collectam fraternitatem non videat, nec transientes Episcopos audiat, &c.

Catholick Right for placing Bishops in Cities.

Cyp. Ep. 52. § 16. Cum jampridem per omnes

provincias, & per urbes singulas ordinati sint Episcopi, &c. vide Præced.

The Conveniencies in the Empire observed for the Government of the Church.

upon the whole Church for ever; some whole Countries having but one Bishop; some one Bishop to two Cities, and elsewhere a Village Bishop. Yet no doubt the Catholick Church has a *divine Right* of placing Bishops in every City, for upon that Right St. *Paul* order'd *Titus* to do so in *Crete*, that order not being the first Charter of the Catholick Right herein, (for it was but a Personal, and Local Order for *Titus*, and *Crete*) but grounded upon a general *Right* in the Apostles, and by them left to their Successors, to place the *Clerical Orders*, where they saw most convenient, which according to all Reason was chiefly and principally to be done in Cities, observing those conveniencies for the publick Government of the Church, which, being found by experience useful in the *Exarchates* and *Provinces* of the Empire, appeared in general to the Apostles and their Successors, as useful to the Catholick Hierarchy. Wherefore where a Right is Divinely constituted, the use whereof ought to be left to Freedom and Prudence, 'tis not only needless, but incongruous and hurtful to tie up the exercises of such Right to precise Limits, which is I think a good account why Synods in Scripture are not under precept.

C H A P. V.

Of Scripture Synods or Councils.

§ 1. **T**HE grounds of *Synodical Authority* being duly laid in a Divine Charter, it is necessary now to proceed to the Instances hereof in Holy Scripture; matters of Fact, allowed good upon Record, being very good Illustrations in Law of that Right on which they were practised and received. This is what also I am more particularly obliged to, since the Doctor is loath to own any Instances of this kind; not willingly that of *AE*: xv. for such a *Synod* as he was speaking of. In which I confess he is not alone, but accompanied with a great croud of *Anti-Hierarchical Criticks*, and other poorer *Scriblers*, which cannot merit that Character. But if the practice of the Catholick Church, as well as the formal reason of the thing it self, evinces, that an *Ecclesiastical Council or Synod* is an *Assembly of Ministers in Consult for the Spiritual Conduct of the Church*, or according to the Doctors more unaccurate definition, 'a meeting of *Ecclesiastical Persons upon an Ecclesiastical affair*, I believe the Doctors second thoughts will

The Definition of a Council or Synod, p. 60.

will set him at Rights, that there manifestly appear several Sessions properly *Conciliar*, with their Acts *Synodical*, in the New Testament.

Christs two
Colledges of
Doctors.

Ignat. ad
Philadelph.

τοῖς ἀπο-
στόλοις ὡς
πρεσβυτε-
ρίῳ τῆς ἑκ-
κλησίας.

The Twelve
Apostles one
Colledge.

Mat. 10. 26

St. Peter
Prolocutor.

§ 2. That our Saviour instituted two Colledges of Doctors, one of the *Twelve*, and the second of the *Seventy*, cannot I think be doubted; under whom the Lay Disciples constituted were the first Rudiments of the *Catholic Church*, represented by the *Princes of the Twelve Tribes*, and the *Seventy Elders of Israel*, which later were no doubt a *Society Ecclesiastical* in their first unrecorded Originals, since they appear to be so in the two *Constitutions* of them by *Moses*, *Exod. 24. Num. 11.* and in other places of an obscurer intimation of such a *Colledge*. Nor can it be doubted before *Moses* his days, but that each Tribe had its Head, all which were concerned in the common Conduct of the *Twelve Tribes of Israel*, to which our Saviours Promise to the Colledge of the *Twelve* has relation, when he says, *they should sit upon Twelve Thrones, Judging the Twelve Tribes of Israel as one common Society*. Now the *Twelve Apostles* are herein too to be taken for a *Colledge*, because it appears, that *St. Peter* by *St. Matthew* is, called the first in order, and appears, in all Conferences of the *Twelve* whatsoever, to be the *Prolocutor*. So neither the *Twelve*, nor the *Seventy*, tho' sent out first two by two throughout *Jerry*, were yet several only, and incoherent

berent Ministers, but were *Sociated* into two *Colledges* or *Fraternities*, and to appear as such in all their *Conventions*.

§ 3. *Christ* then a little before his *Ascension*, being Assembled with Eleven *Apostles*, commands them not to depart from *Jerusalem* till the illapse of the Holy Ghost at *Pentecost*. This they observed accordingly, and gathered to themselves about an 120 *Disciples*, a number held sufficient for a *Synagogue*. In this Interval *St. Peter*, the constant *Prolocutor* of the *Upper Colledge*, proposes the Substitution of a Successor to the *Apostleship*, from which *Judas* by Transgression fell, by a consulted Recommendation of two fit Persons unto God, of which two the Divine Lot was to determine the Successor. Here then being a Session of Eleven *Apostles* in an Assembly of 120 *Disciples*, putting them all upon Council and Consideration, for a Successor to *Judas*, an affair Fundamentally *Ecclesiastical*, *Act. 1*. I hope will appear to the Doctor, to be a Council, if not a *Synod* Ecclesiastical, in which there can be no other difference but this, that a *Synod*, is so called in respect of their *Convening* together from their several proper Seats, but 'tis called a *Council* from their actual *Session*, speaking properly. After the Effusion of the Holy Spirit, and the increase of the Church, by the Accession of both Jews and Greeks, the Greeks murdered against the Hebrews, that their Widows

A Council
for electing
an Apostle
in the Room
of *Judas*.

Difference
between a
Synod and
Council.

were

A Council
for the E-
lection of
7 Deacons.

St. Cyprian
saith, that
the Apostles
sent Philip
to Samaria.
Ep. 73. § 8.

*Mission an
Act of Con-
ciliar Autho-
rity.*

St. Peter ac-
countable to
the College
of Apostles.

were neglected in the daily Ministrations. Whereupon the Twelve called the multitude of the Disciples unto them, and bid them Recommend seven Men of honest Report, and full of the Holy Spirit, to whom they might commit that *Diaconate*, by their Apostolick Imposition of Hands, which was done accordingly. So here was a Meeting of *Ecclesiastical Persons upon an Ecclesiastical Affair*, and so a Matter of Synodical Polity, under Authority Apostolical, Acts 6. Upon the Persecution, which began in the stoning of St. Stephen, there followed a dispersion of the Church from *Jerusalem*; but they that were scattered abroad, went every where preaching the Word, and Philip the Deacon, made a vast Conversion at *Samaria*; of which, when the Apostles which were still at *Jerusalem*, heard, they sent unto them Peter and John, to lay their Hands upon them, for the Reception of the Holy Spirit. Here was most formally a *Mission* from the Apostolick College *de propaganda fide*, of two the most Eminent of their Body, and was an Act of Conciliar Form, Authority, Government, and Communication, Acts 8. 14, 15. To the Authority of which College, in publick Council, St. Peter himself was forced to give an account at his return, for his having Preached to, and Baptized the Gentiles, Acts 11. 1, 2, &c. Upon the same Persecution several preached the Gospel to the Jews alone, in *Phenice*, *Cyprus*, and *Antioch*; in which last, some also preached to the Greeks,

Greeks, and turned great numbers of them to the Lord ; and when Tidings thereof came to the Church at *Jerusalem*, they send forth *Barnabas* to *Antioch*, which *Mission* must be ordered *Conciliarly* by the Apostles, of which three only had departed from the College, *Peter*, *John*, and *Barnabas*; and *Peter* had returned before this *Mission* of *Barnabas*, *Acts* 11. tho' after *Herod* had killed the Apostle, *James Major*, and Imprisoned *Peter* to the same end, by the Conduct of an Angel, *Peter* went off a second time, *Acts* 12. Nor were there only Apostles still presiding at *Jerusalem*, but Elders also under them, to whom, when *Barnabas* and *Saul* returned to give Account of their Ministry, they delivered the Collection made for the Brethren of *Judea*, *Acts* 11. 30. Which Elders were a second Clerical Order in that standing Council. What the Twenty four Elders in the Revelation were particularly intended to represent, 'tis not Material to Conjecture ; 'tis only observable here, that they are represented as in one Assembly. When some from *Judea* came to *Antioch*, and Preached to the Gentiles the necessity of Circumcision, and were Opposed by *Paul* and *Barnabas* herein ; The Church there was resolved to Consult the Determination of the highest Authority, which then was in the College of Apostles and Elders at *Jerusalem*, who from that *Metropolis*, yet jointly and Synodically Governed all Ecclesiastical Matters,

Elders under the Apostles in the College at *Jerusalem*.

The 24 Elders in the Revelation, represented as a College.

The College of Apostles and Elders at *Jerusalem*, the Supreme Authority.

The Session
at Jerusalem
about Cir-
cumcision.

ters, needing their Determination. The Legates therefore from *Antioch*, being received by this Colledge, and having given an Account of their Affairs in Publick Assembly, certain of the believing Pharisees at *Jerusalem*, urged the necessity of Circumcising the Gentiles. Whereupon the Apostles and Elders came together to consider of this Matter; among whom the Old Prolocutor, Peter first, next Paul and Barnabas, and last of all James Minor, (afterward probably the Bishop of that Place, upon the dispersion of the rest Apostles) delivered their Senses and Resolutions for the Negative, in which the whole Council Acquiesced. And so it pleased the Apostles, and Elders, and the whole Church, to send Synodical Legates and Epistles to the Gentile Churches in *Antioch*, *Syria*, and *Cilicia*, letting them know, That it seemed good to the Holy Ghost, and to Them, to lay upon them no more than four necessary Things, to abstain from Meats offered to Idols, from Blood, from things strangled, and from Fornication; assuring them withal, that those Circumcisionists from *Jerusalem*, had not that in Commandment from the Colledge of Apostles and Elders, to impose the Doctrine of Circumcision on them. Whereby is imported, that that Council, or Colledge, had a Commanding Power on Missionaries; tho' in vertue of that they had given these Zealots, no such Circumcising-Commandment.

mandment. This was so very formal a *Synod. Africa-
Synod, and the Acts and Concerns there-
of so formally Synodical, that hence all
Synods, Convened upon Religious Questi-
ons and Debates, have acted in prescrip-
tion from this, as their Platform, or Ori-
ginal Pattern.* And yet the Dr. tells us,
*That whether this were such a Synod, as he and
the Letter was then speaking of, may very justly
be doubted.* Now what sort of Synod the

*Synod. Africa-
na ad Cornel.
ap. Cyp. Ep.
54. placuit
nol in Spiritu
Sanclo sugge-
rente, & Do-
mino per visio-
nes multas &
manifestas
admonente,
&c.*

Dr. intends his then Speech about, I cannot tell. If his General Definition of a Synod will do, this was certainly such, as fully as ever any was; or if he means such a Synod as the Churches usually were directed by; I am sure he can find no essential Reason or Form wanting. But if he means one of *Hen.* the Eight his Convocations, there indeed we must fail him. But to such a one as this, the Letter pretended no Divine Constitution or Example; and therefore 'tis not about such a Synod's Divine Right, that the Dispute lies; nor would the Dr. have opposed a Divine Right, to such a Model, that would so effectually have Consecrated his enslaving Hypothesis. No, no; 'tis not this sort, for which the Letter lays Divine Foundations; but 'tis for such a freedom of Synods, which our Religious Prince hath deprived us of. So that the *Doctors* Exception properly is, either that this of Jerusalem was not an Ecclesiastical or Canonical Council, or if it were, that it was not free and exempt from

p. 60.

Elders of
Asia conve-
ned from
Ephesus to
Miletus.

from *Civil Coercion*. An exact Man here would have laid out all his force, and have set forth on what sort of *Synods* the *Debate* is, with a description of its Constituent Forms, in distinction from others, to have been as accurately described. Nor will a Man's haste, nor avocations Excuse such Omissions, by which Divines, Students, and Learners may be blindly led into dangerous Errours. Which defect, therefore, I hope, he will supply in the next Edition, and Vindication of his Book. But to go on; The Elders of the Church of *Asia*, being together at *Ephesus*, (as the Bishops and Deacons were at *Philippi*, *Phil. 1. 1.*) were all Convened by *St. Paul* to *Miletus*, to receive his Apostolical Order against those ravening Wolves, that should after his departure, arise, to pervert the people from the Faith, and to draw Disciples after them; against whom he bids them Watch, *taking heed unto themselves, and to the Flock, of which the Holy Ghost had made them Bishops; viz. the whole Church of Asia under the Metropolis of Ephesus.* And can we think, that this was a precept of separate watches, and not rather common and united Cares, there being many of them fixed in that one Provincial Church of *Asia*? But if they were obliged to joynt Cares, it must be by joynt Counsels, and such will justify, and require Conferences, and Synods, thereunto, such as even this at *Miletus* was, being
a Meeting of Ecclesiastical Persons upon an Ecclesiastical

Eccl'stical Affair, *Acts* 20. *Presbyteries* further *Presbyterys*
 are a Synod or Council of Elders; and
 such there were in those days, such as
 Convened unto *James*, their Bishop at *Je-*
rusalem, where *Paul* found them Assembled
 at his last being there, *Acts* 21. And
 that *Presbytery*, by which *Timothy* was
 ordained, was such an *Ecclesiastical Con-*
vention, as quadrates with the *Drs. Defi-*
nition, 1 *Tim.* 4. 14.

§ 3. Besides in Judicial Processes, as *St. Pauls*
St. Paul did pass Censures in the most so- *Censures in*
 lemn and publick Conventions of Churches, *Publick.*
 (as that of *Corinth*, wherein no doubt
 there was an *Hierarchical College*) either
 in Person, or by Deputy, upon Epistle, or
 Mandate; and thereby deliver wicked Men
 over unto Satan, when out of the Pro-
 tection of Gods Grace, in the Commu-
 nion of the Church; so does he give order
 to Bishops, by him Constituted, thus to
 govern all inferior Orders by Judicial
 Discipline; to the Authority whereof, as
 every Bishop has a Divine Right, so all *Presbyters*
 Bishops, that have not the miraculous Spi- *of Council*
 rit of discerning, do need many times a *to the Bi-*
 Council of their Elders, as to assist their *shops.*
Authority, and greaten the Solemnity, so to
 advise them in Casuistical and Doubtful
 Questions, in order to a Just and Convin-
 cing Determination, where as single and
 unconsulted Procedures, as they are liable *Unconsulted*
 to many real Obliquities, so do they lye *Procedures.*
 E open

*Cyp. ad
Steph. Ep. 67.*

idcirco copio-

sum corpus est

sacerdotum

concordia

mutua, utino

atq; unitatis

vinculo copu-

latum ut si-

quis ex collegio

separaverit,

subveniant cateri.

open to far more Suspitions and Calumnies, than 'tis possible for a fair and well established Judgment to do. A Method therefore always observed (where it could be) in the primitive Ages, as being no doubt of Canon Apostolical. But because by most Divine Right of Order all Bishops, are of equal Power, & consequently no one singly, has any *judiciary Authority* over another, therefore to the examination and Censure of a disorderly Bishop, and his Acts, whether publick or private, upon Informations or Appeals, a *Synod of Bishops* hath been ever thought, and Convened as necessary, and of *Divine Right*, as well as *Apostolical Canon*.

nostro haeresin facere & gregem Christi lacerare & vastare temptaverit, subveniant cateri.

CHAP. VI.

Of Cathedral Synods, in the three first Centuries, and their Authority.

§ 1. **W**Hether the loss of the *Alexandrian Library*, be worthy the Complaint of the Christian World, I leave to the Judgment of the Curious, and Admirers of the Heathen Rarities. But, tho' the bulk of those Christian Monuments, which are lost in the *Calamities* of the three first Centuries,

twiss, was not very great, as far as we can Judge by *Eusebius*, and other *Authors*, and *Catalogists*; yet the want of their Testimonies and Senses about Matters Ecclesiastical, convinces us, that the loss of them, is one of the greatest Misfortunes and Damages, that we have reason to bewail from the Ruins of time. And as the enjoyment of those Memorials would have given greater *Authority* to our Doctrines, and Usages, which the ignorant or wanton World, now controverts, so particularly we had had thence a vast light in the Matter before us, concerning the *Doctrine*, *Authority*, *Forms*, *Rules*, *Uses* and *Venerations* of the *Primitive Synods*, especially in the Volumes of their Acts and Epistles, of which very little now remains in the Writings that are preserved.

§ 2. However, notwithstanding these Invaluable Losses, yet so much appears in what we have left us, that every Bishoprick was a Polity, consisting of a Bishop with his Subordinate Presbyters and Deacons, to Consult, Advise, and Assist the Bishop, and to Execute his Decrees, upon the Result of their common Considerations. And

Presbyteries
under the
Bishop.

*Metropolitans
and Primates.*

not only so; but that Bishops were con-
sociated into *Provincial Systems*, under the
Priority of their *Metropolitans* and *Primates*, chiefly in the Sees of *Apostoli-
cal Foundation*; and above all others,
that of *Jerusalem* over the Churches
of the Circumcision, till the last Ruin
of the Jews, and that City under *Adri-
an*, and *Rome*, *Alexandria*, and *Antioch*
in the Gentile World.

§ 3. To offer proofs for this to the
Dr. or any professed Member of the
Church of England, is an unnecessary
and impertinent Trouble. And the
more needless, because the Truth
thereof has been made illustriously
appear in many Volumes, written
for the *Episcopal Hierarchy*, against
all its Modern Enemies, of what
Character or *Extraction* soever. But
some little *Strictures* and *Notices*, that
may more appositely quadrate with
the Matter of the present Debate, I
must beg the Doctor his patience to
admit.

§ 4. And first concerning the State
of *Sees Episcopal*, it is not only evi-
dent, that there were in the Suc-
cession from the Apostles, *Presbyters* un-
der the Bishop, if the See were full,
but

but these were *Concorporated* into Colledges, for Counsel to the Bishop for the respective Bishopricks. And he that in this Age gives us the clearest Account of the Prelacy, *scilicet* *Ignatius* the *Martyr*, gives us the like of these *Conciliar Colledges*, which he, on that very Notion, collectively calls *Presbyteries*. Had he only named them Plurally and Masculinely *Elders*, I could not have laid so much Stress upon it; but when he calls them, as in one *System*, neutrally a *Pretbytery*, and a *Synedrion* or *Council*, this convinces every Man, that admits the *Medicean Copy* for Genuine, (wherein they are so Stiled) that they were a Council for the See, or Bishoprick, Represented and Recommended by this Father as a Polity of Divine Constitution. Thus he suggests to the *Ephestians*, that an obedience to their *Bishop* and the *Presbytery*, is necessary to their Sanctification; which therefore must suppose a Divinely Instituted Subjection hereto, as to an Ordinance of *Divine Authority*, no Humane

Vide Origin.
gen. con.
Cels. l. 3.

Ign. ad Eph. i. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

Coalitions upon mere *Rational Prudence*, being of any so high a *Virtue* as to Sanctify. So he enjoyns

them to Assemble in one Faith. ——— To obey the *Bishop* and the *Presbytery*, with an indiscrutable Resolution ; which therefore

must be the Effect and Consequence of one Faith, and consequently of *Divine*

Intention, as being stated under the *Bishop*, as the *Synodrium* of the Apostles under God: So for the *Magnesi-*

ans ; he calls the *Presbytery* the *Spiritual Corona* of the *Bishop*, not the *Pruden-*

tial. Nor were these little Occasional Transports, but fixed Senses in

the Holy Martyr, as appears by their frequent repetitions, requiring an Obedience still to the *Presbyteries* as to the Apostles, which had been extravagant to a Miracle, had not *Presbyteries* been of Divine Institution ; on Faith of which he calls it the *Council* of God, without which, whosoever Acts any thing Ecclesiastical,

Ibid. εις το ιεροσολυμοις, και τοις πρεσβυτερις αμεσως δια-
πολη.

Και οτι πρεσβυτεριον
εις τον συνεδριον των
Αποστολων, &c. Vide. Id. ad
Magnes. αζητολητον ενδ-
ιακτης στεφανου ου πρε-
σβυτερις υμων.

Ep. ad Trall. 'Αλλα
(V. G. αλλ' υποτασσ-
ει) και τοις πρεσβυτερις
αμεσως Αποστολοις ——— τας
η πρεσβυτερις εις συν-
εδριον ου και εις ομολο-
γαν αποστολων, vid. Ep. ad
Smyr. ; και εις διτισκωτον
και πρεσβυτεριον περὶ ο-
ν, ετι οτι καταρχη ου τοις
συνεδριον (vide plura ap.
V. G.) ——— υπο-
τασσειν τοις Αποστολοις
εις οτι ενταυ, ομολογας και τοις
πρεσβυτερις. ——— Ep.
ad Philad. Σημειωσται

ecclesiastical, is not of a pure
 Conscience; as being Con-
 corporated for the Unity
 of the Church, there being
 but one Lords Supper, and
 one Altar of God, as there
 is but one *Bishop* together
 with his Presbytery, to un-
 ity, with which all penitent
 Schismaticks, must return
 in order to the remission
 of their Sins. So that such a
System of Presbyteries in every
Bishoprick appears, by this
 Disciple of the Apostles, and
 Bishop of their Consecration,
 to be of Divine Ordinance
 for a *Council* to the Bishop and the
 Bishoprick, in all its occasions. So that
 so many places, attesting such a Syste-
 matick Consecration of Presbyteries in
 every See, will bid a fair Interpretation
 for all those other places, w^{ch} require ob-
 servance to Elders, plurally only named,
 but collectively understood as an *Ecclesi-
 astick Council*; and so of the *Deacons* the
 same is most probable, because they are
 generally set with the *Bishop* and the *Pres-
 bytery* in these Rules of *Hierarchical Dis-
 cipline and Union*, according to the
 forms

οὗτος μὲν χειροῦμαι μὴ δὲ
 οὐκ ἐν τῷ κυρίῳ ἡμῶν Ἰησοῦ
 Χριστῷ, καὶ ἐν πόλει αὐ-
 τῶν ἐν αἵματι αὐτοῦ
 ἐν συνάσει αὐτοῦ ἐν ὁμο-
 λογίᾳ αἵματι τοῦ προσβυτε-
 ρίου, &c. — πῶς αὖν
 μετανοοῦσιν ἀφ' ἑαυτῶν
 ἐν μετανοήσασιν εἰς ὅ-
 τλη Θεοῦ, καὶ σωθῶσιν ἐν
 ἡλικίᾳ. Ep. ad Poly-
 carp. πρῶτον, πολλὰ καὶ
 στοιμαχεύοντα, συμβέ-
 λων ἀναγίνωσκοντες,
 καὶ χειροτονίαν, &c.
 Vide plura ejusmodi in
 Pseudepig. Ign. & In-
 scriptionem Epist. Poly-
 carpi ad Philippens. Cyr.
 Ep. 34. § 4. Presbyterii
 honorem, &c. — scilicet
 nobiscum, &c. ita Ep.
 35, 42. § 2, 3.

See in the
 mean time,
 Ep. 6. § 5.
 Solus refri-
 bere nihil
 potui —
 nihil sine
 consilio vestro,
 &c. Ep. 18.
 & 24.

forms of those *Synods* of *St. Cyprian* which generally contained the *Deacons* as well as *Presbyters* gathered together in the face of the whole Church, in affairs that did concern all the Orders thereof, of which more will be spoken, when we come to particulars.

In the vacancy the Clergy of Council for the Bishoprick.

§5. Nor were they only of Counsel and Sub-Society to the Bishop while the See was full, but they were a *Council* for the *Vacant Bishoprick* during the Interval, to inspect and conduct the publick state thereof, and to give and receive Letters of Communion between other Churches. For tho' in the Vacancies *Presbyters* were not able to do all *Episcopal Offices* in their own Right, as *Ordination*, *Anathematizing*, *Absolution*, &c. yet all things preparatory hereunto were in their power, as *Examination*, *Regulation*, *Suspension*, *Injunctions of Penance*, &c. in which the vacant Bishoprick was to be Canonically Subject and Obedient, reserving higher Procedures to the higher Authorities of, either the neighbouring Bishops, at the present, or

Ign. ad Rom.

Μνημονεύετε ἐν τῇ ἐκ-
κλησίᾳ τοῦ ἐν Συρίᾳ ὁ-
μοῦ, ὡς καὶ ἐν τῇ
ἐκκλησίᾳ τοῦ ἐν Ἀντιοχείᾳ.

their proper Bishop next to succeed. For tho' *Ignatius* tells the *Romans*, that his Church in *Syria* at *Antioch*, had now in his stead
Christ,

Christ, and *Christ* only for her *Pastor* and *Bishop*; yet in that ascribed to him sent to his own *Antiochians*, he charges the *Presbyters* to feed the *Flock*, till God should give them a *Governour*, and the *People* in the mean time to be subject to the *Presbyters* and *Deacons*. And tho' this is indeed an *Apocriphal* Epistle, yet it is an unexceptionable Canon specified in it, and far from an Imposture; that the *Clergy* should Govern the *Laity* in the *Vacancy*. So *Polycarp* in his Epistle to the Church at *Philippi*, then, as it seems, without a *Bishop*, (for otherwise the Canon required him to have mentioned him in the first place) directs the *Presbyters* to be Merciful, Visiters of the Needy, Converters of them that Err, forbearing Wrath, Partiality, Unjust Judgment, Severity, &c. the *Laity* to be subject to them. And when it shall be considered, that in these days the several *Presbyters* had not several Congregations apart to themselves, but were all one common Colledge

F

over

για ——— μὴν ὁ αὐτὸς
ἐπισκοπήσῃ. Ep. ad An-
tiochen. οἱ πρεσβύτεροι
ποιμαίνετε τὸ ἐν ὑμῖν ποιμ-
νίον, ἕως ἀναδύξῃ ὁ Θεὸς
ἢ μέλλουσα ἀρχεῖν ὑμῶν
——— ὁ λαὸς ὑποτασσέ-
σθω τοῖς πρεσβυτέροις καὶ
τοῖς διακόνοις.

Polycarpus ad Philip-
pens charges the Νεώτε-
ροι, that is, the *Laity*,
ἀπὸ γὰρ αὐτῶν πάντων τῶ-
ν, ὑποτασσόμενοι τοῖς
πρεσβυτέροις καὶ διακόνοις—
καὶ οἱ πρεσβύτεροι ἀσπλαγ-
χοι, ἐπιτρέφοντες τὰ πε-
πλανημένα, ἐπισκεπτό-
μενοι πάντας ἀδελφεούς, μὴ
ἀμελεῖν τὰς χάριτας, ἢ ἑρπᾶν,
ἢ πίνῃσι, Vide Cypr.
Ep. 36. ἀπὸ χυδαίου πάσης
ὀργῆς, περιστολήσεως,
κρίσεως ἀδίκης μακροθυ-
ῶντες πάσης φιλαργυρίας·
μὴ τὰ χεῖρας περὶ ἀδελφῶν
πνός· μὴ ἀπορῆμαι ἐν χρι-
στί, &c.

over one People in every See, and the Rule of the Government and Obedience set in this Epistle, is to the Elders in common without any distributive appropriation, it will then be as clear, that they were a *Council* for the Church in the Vacancy, as a *Council* to the Bishop in the Plenarty; To which the express Testimonies of the Epistles reciprocated between Bishops and Vacant Sees, under the *Conciliar* Conduct of the *Clergy*, are full and convincing.

Cler. Rom. Clero. Carthag. int. Epist. Cyp. Ep. 3. § 1. Et cum incumbat nobis, qui videmur prepositi esse, et vice pastoris custodire gregem, &c. spoken of the Clergy of both Sees.

Thus the Clergy at *Rome* writing under their Vacancy to the Clergy at *Carthage* under the absence of *St. Cyprian*, looked upon it as a duty incumbent

upon them, in the absence or want of the Bishops, to supply their places, in what their Order would admit, in the custody of the Flock. And they therefore, having received Letters from the Clergy of *Carthage* of the Recess of *St. Cyprian* the Bishop by *Clement* the *Carthaginian Sub-Deacon* and Messenger, send back this their Epistle by their Agent *Bassianus*

Ibid. Harum literarum exemplum ad quoscunque poteritis transmittere per idoneas occasiones, &c. vid. Cyp. ad Cler. Ep. 6. § 2.

to the Clergy of *Carthage*, and desired them to communicate it, by all means and opportunities possible,

to

(67)

to other Churches. Which were plainly acts of Form and Nature *Conciliar*, and such as they looked on as matter of Duty, and not Prudence only. 'Tis true, where *Bishops* were only absent, it may be presumed, that the *Presbyteries* did act by the direction of the Absent *Bishop*; but then it is as certain, that the Absent *Bishop* was Canonically obliged so to Authorize, or Concede that vicarious administration, which they upon their own Right before such actual Commission might assume; for it was the disobedience of some proud Confessors to the *Authority* and Conduct of the *Deacons* and *Presbyters*, that occasioned St. *Cyprian's* sixth Epistle to *Authorize* the Clergy, that could safely stay at *Carthage* under the then Persecution, in his *Stead*, Name, and conceded Authority, to carry on the Ecclesiastical Administrations. Which was not the first Original of the Clergies Authority in the absence of the Bishop, but a valid and doubling Confirmation, or express ratification of that *Antecedent Authority* of the Clergy, which the exorbitant took upon them, for want of the Bishops

Cyp. ad Cler. Ep. 6. Vice meâ fungamini circa gerenda ea, quæ administratio religiosa deposcit. vid. Ep. 5. §. 1.

Cyp. ibid. § 4. Quando audis quosdam — nec à Diaconis aut presbyteris regi posse.

Cyp. Ep. 15. ad Cler. § 2. Presbyteris & Diaconibus non defuit Sacerdotis vigor. — Ep. 37. ad Cler. § 1. officium meum vestra diligentia representet.

Presence, to despise, there being the same reason, tho' not the same degree of Want in the Absence, as the Death of a Bishop, and the proper vacancy of the See thereupon. And therefore, tho' in the denying Communion to *Gaius Diddensis* a *Presbyter*, and his *Deacon*, without his antecedent Sentence, only on the Coun-

Cyp. Ep. 28. ad Cler. Intègre & cum disciplinâ fecistis, — quod consilio collegarum meorum, qui præsentes erant, Gaius Diddensi presbytero, & Diacono ejus, censuistis non communicandum.

sel of some of *St. Cyprians* fellow Bishops, they acted on their own *Authority*, yet are they commended by *St. Cyprian*, as having acted with great *Integrity*, and according to the Rules of *Ecclesiastick Discipline*. It appears then that by a Primitive and Catholic Polity, founded at least upon Divine Right, if not Precept, wherever Episcopal Sees were fully fixed, there was also a *Council of Presbyters*, with *Deacons* and Officers under them, for the Conduct of the Bishoprick; and, upon Absence or Death of the Bishop, for *Synodical Communications* with other Churches.

§ 6. Which being pre-established, it may not be amiss to consider some of those procedures, in which the Primitive Bishops were wont to convene their Clergy; in which I mean them alone in one Diocese, without the aggregation of other Bishops for the Government of affairs. And first, if any Person under his Bishop promoted new, or false Doctrines in Religion, this became matter for the Care of the Bishop, and the Counsel of his Clergy, and many times the presence of the Laity infected, or in danger of infection. Thus in the *Armenoite Region* under the Primacy of *Alexandria*, one *Coracion* had disseminated the Doctrine of *Nepos* (an *Egyptian Bishop*) concerning a *Carnal Millennium*, which had spread far and wide, to the subversion of much people. Whither therefore *Dionysius Bishop of Alexandria* coming, called together the *Village Presbyters* and *Teachers* in the presence of all the *Laity*, that had a mind to be there, and to have a publick Discussion of that Doctrine of *Nepos*. And after three days publick Canvas of *Nepos* his Book, made with much moderation by all persons, the affair ended successfully in the Conversion of *Coracion*, the Ringleaders of the

Dionys. Alex. ap. Euseb. Eccl. Hist. l. 7. c. 25. Ἐν μὲν οὖν τῷ ἀρμενοίτη γένει, ὡς οἶδας, περὶ πολλὰ τὸτο ἐπιπόλαζε τὸ δόγμα, ὡς καὶ ἡρώματα καὶ ἀπειρίας ὅλων ἐκκλησιῶν γινώσκει συγκατάσεις τὸς πρεσβυτέρους, καὶ διδασκάλους, καὶ καὶ καὶ ἀδελφῶν, καὶ τῶν βυλομένων ἀδελφῶν δημοσία τὴν ἐξέτασιν ποιήσασθαι. καὶ τὸτο μὲν προσευχαρίστων τὸ βιβλίον (*Nepotis, dictum Elenchium Allegoristarum*) ὡς τι ὅπλον καὶ τῷ χῶρῳ ἀμάχητον, συγκατάσεις αὐτοῖς τριῶν ἡμερῶν ἐξ ἑω μὲν χειροτονίαις, διδόντες ἐπιτιθεῖν τὰ πνευματικά— and after a moderate discussion of the matter had by all, τὰς δὲ ἐκ διδασκῶν τυτῆς ἀρχαῖς καὶ ἐκκλησίαις, ὁ καλῶν καὶ Κορῶν, ἐκ

ἐπὶ τῷ πόντῳ οὗ παρόντων ἀδελφῶν ὁμολόγησιν, καὶ διαμαρτυρίαν ἡμῶν, μὴ μὴ τίτῃ προσήεν, &c.

G

Millenaries

Millenaries. If then *Authority* to Convert Men from Errors be *Divine*, and *Conyocations* of Clergy-Men by their *Bishop* be *necessary* or *Expedient* thereto, (as 'twas in this case) it follows, that such *Synods* under a *Bishop* are of *Divine Right*, and 'tis as much the *Bishops Divine Authority* as *Duty* to convene them.

Cypr. ad Cler. Ep. 10.
 § 2. Nam cum in minori-
 bus peccatis agant peccato-
 res penitentiam iusto tem-
 pore, & secundum discipli-
 nae ordinem ad exomologesi-
 veniant, & per impositi-
 onem manus Episcopi &
 Cleri ius communicationis
 accipiunt; nunc crudo tem-
 pore — Offertur nomen
 eorum; & nondum peni-
 tentia acta, nondum exo-
 mologesi facta, nondum
 manu eis ab Episcopo &
 Clero imposita, Eucharistia
 illis datur. vid. Ep. 11.
 § 1. Ep. 12. § 1.

Ibid. § 4. Adhuri &
 apud Nos, (the Bishop
 and Clergy) & apud con-
 fessores — Causam suam,
 &c. Ep. 24. quos jam
 pridem communi consilio
 Clero proximos feceramus,
 quando cum Presbyteris
 doctioribus lectores dili-
 genter probaremus.

§ 7. Another Instance of Con-
 vening the Clergy by their Bi-
 shops in these Ages, was for re-
 conciling publick Penitents by
 Imposition of Hands of the Bi-
 shop and Clergy, upon Confes-
 sion first made publicly before,
 in order to a recovery of the right
 of Communication Ecclesiastical
 and Eucharistical, as also for the
 Censure of such as should pre-
 sumptuously violate the Laws,
 Order, Union, and Discipline of
 their Church, and for Ordinati-
 ons of the Clergy, or less Orders.
 All which are Acts Synodical, and
 grounded upon the Authority of
 the Bishop, and the Reason of the
 Causes, both which herein most
 certainly were as *Divine*, as for
 such they were then received.
 If a Man would be here accurate
 in traversing such intimations, as
 may be picked up herein among
 the Antients, one might swell

this chapter to a greater largeness than is ne-
 cessary; but taking for granted that these
 are

are uncontestable and apposite evidence, I leave these *Presbyteries* and their *Divine Powers* on their own *Divine Foundations*, and proceed to the second sort of *Episcopal* or *Provincial Synods*.

CHAP. VII.

Of Episcopal and Provincial Synods in the three first Centuries, and their Authority.

§ 1. **T**HAT there were *Synodical Conventions*, and *Provincial Councils* of *Bishops*, and such *Presbyters* under them as the *Bishops* brought with them, or called to them in the *First Centuries*, will not I suppose be denied by any owner of *Episcopacy*, and the *Volumes* of the *Antient Fathers*. So that our present enquiry is not into, or concerning their actual being, but their *Frequency*, *Right*, *Authority*, and *Uses*, for which they were wont so often, so vigorously to assemble.

§ 2. And first as to their general frequency, *Tertullian*, the most antient of all our *Latin Authors*, tells us, that thro' all the *Greek*

quæ & altiora quæq; incommune tractantur, & ipsa representatio totius nominis Christiani magnâ veneratione celebratur. Et hoc quam dignum fide auspiciantî quidq; congregari ad Christum? — Conventus autem isti statimibus primis & jejunationibus operati, dolere cum dolentibus, & ita demum congaudere gaudentibus norunt. vid. Alexand. Alexandrin. Episc. Epist. ad Cath. Eccl. Epist. ap. Socr. Eccl. Hist. l. i. c. 5.

Tertull. De Jejun. Aguntur præcepta per Graciam illis certis in locis Concilia ex universis Ecclesijs; per

Countries, where Christianity had so universally spread it self, Councils were by command or precept convened out of all Churches, thro', or in which Councils all arduous matters were publickly treated of, and in them the Reverence of the Christian Character solemnly celebrated, it being the highest dignity thus every where to be convened unto Christ, and that with severe Stations and Fastings for the sanctification of them. Where we see he asserts the practice and devotion to be of the very highest and *divinest Dignity* imaginable, and consequently of the like *Authority* equal to that *Dignity*, in which 'tis either fundamentally lodged, or to which 'tis inseparably concomitant. Nor does the *Dignity* only, but the *necessities* of affairs also recommend or enforce the exercise, as well as *Institution* of this Politie, and that in great and continual frequency.

§ 3. To the eviſtion whereof I will not urge the nature and general Forms and Concerns of *Aristocracy*, requiring an united Counsel and Strength, to support it self against common dangers, but specific particular Cases, which they judged necessary *Conciliarly* to set Right, and thereby to give credit to their determinations in their formed Letters to other Churches, which generally, if not always, was the concluding Office of those Councils.

§ 4. Now of these *Episcopal Synods* some were but *Partial*, others *Plenary*. A *Partial Synod* of Bishops was such as consisted of some Bishops, only in a Province upon occasion, design

of necessity. A *Primary Synod* was such as consisted of a Full or General Convention of the Bishops of a Province under their *Metropolitan*.

§ 5. The first and most Sacred as well as constant Office of such *Episcopal Synods* was that of providing Bishops for vacant Sees; for which the most Canonical Rule most generally observed, and to be observed in time of Peace in these Ages, was that which *St. Cyprian* and his Colleagues assert as of Divine Tradition, (*viz.* as to the substrate reasons, and parallel instances) and Apostolical Observation, *viz.* that the nearest Bishops of the Province should repair to the vacant See, and the Bishop be chosen in the presence of the People, according to the same form of old observed at *Hierusalem* † by the Provincials of *Palaſtine* in filling that See with Successors, as in the case of *Narcissus* retiring upon a perjurious Defamation; which I mention in fact more than others, because it is an early instance in that Church, which was the Mother of all Churches, and a *Presumption* that this Custom was begun there in the constitution of *James*, and was continued there in all their Successions, and from thence became a *Platform* for the like Canon every where else throughout the Primitive Church. In which *Synods* the Clergy, and

Councils for
Ordaining
Bishops.

Ep. 68. — *Diligenter de traditione divina & Apostolica observatione observandum est & tenendum; quod apud nos quoque, & fere apud provincias universas tenetur, ut ad ordinationes ritus celebrandas ad eam plebem, cui Propositus ordinatur, Episcopi ejusdem provinciae proximi quoque conveniant, & Episcopus deligatur plebe praesente, &c. vide. Item. Ep. 68. § 6. ubi etiam exemplum ponit in electione Sabini vice Basilidis, &c.*

† *Euseb. Eccl. Hist. l. 6. c. 10. Δόξαν τοῖς τοῖς ἱεροῦ ἐκκλησίᾳ ἀποδοῦναι, ἐπὶ τῷ μαρτυρίᾳ ὁμολογῶντι.*

the people, that stood in the Faith, Unity, and Order of the Church, were present, their Desires, Thoughts, and Counsels examined, and upon a fair and calm agreement (of which in those days they hardly ever failed, under the moderation of the Praesiding Bishops) the Election was Ratified, and the Person Consecrated by the Bishops present; and hereupon either the New Bishop alone, (when there was no contrary Pretension) or the rest convening Bishops with him, sent the Letters of Communion to all other Churches, immediately, or mediately, according to the Forms in use under the

Cyp. ad Cornel. Ep. 55. § 10.

Cyp. ad Antonian. Ep. 52. § 16. vid. etiam § 4. Factus est autem Cornelius Episcopus de Dei & Christi ejus judicio, &c. vid. præc. & seqq. & Ep. 58. § 2. Cyp. Ep. ad Cornel. 55. § 6.

Ibid. § 12.

Orders of Metropolitans and Primates. Thus was *Cornelius* made Bishop of *Rome* by a Synod of Sixteen Bishops after the same manner, from whence his Divine Right in that Bishoprick is asserted by virtue of that Conciliar Ordination. So was *St. Cyprian* constituted Bishop of *Carthage*, to the assertion of the same Divine Right and Authority. And to pretend the same his Rival *Fortunatus* his Party gave out at *Rome*, that he was Ordained for *Carthage* by twenty five Bishops, as falsely, as they before-hand had threatened to Convene so many thereunto. And this custom was hereupon looked on as so Sacred and Necessary, that in time of Persecution they suffered the Sees to lye long vacant, till a calm Season gave them opportunity for such solemn Conventions, which were judged of the

the *Divine* Virtue and *Authority*, and not mere Cabals of *Prudence* only.

§ 6. Other sorts of Reasons, why they met in Councils or Synods, were the preservation of *Unity* in the *Catholick*, and particular Churches, by reclaiming, by censuring the irreclaimable, by making Canons for good Order and Uniformity; for mutual Advices and Assistances with Sister-Churches, and Composures in matters of Difference. For Discipline on Sinners, either before, or during, or after their Repentance, and particularly those that lapsed into Idolatry.

So when * *Beryllus* Bishop of * *Enseb. E.H.*
Bosra in *Arabia* preached the same Doctrine *l. 6. c. 33.*
with him that now presideth over the City † *E. H. l. 7.*
of Waters, and the Faith was like to be dis- *c. 30. Athan.*
turbed, and the Peace broken, there met a *de Syn. Arim.*
Council of Bishops in which *Origen* reclaim- *de Syn. Nic.*
ed him: When † *Paulus Samosatenus* and *Sa-* *Deer.*
bellius appeared, Councils convened against *de Dionys.*
them. When the *Novatian Schism* began to *Alex. ap Ex-*
attack the Peace of the Church at *Antioch*, *feb. E. H. l. 6.*
Helenu Bishop of *Tarsus* in *Cilicia* with his *c. 46.*

Provincials, *Firmilian* of *Cappadocia*, and
Theoctistus of *Palesine* invited *Dionysius* of
Alexandria to meet in Synod at *Antioch*, to
repress *Novatianism*, which Schism gave oc-
casion also to many Synods in *Africa*, as did *Cyp. Ep. 41.*
that Schism also of *Felicissimus*, who with § 1, 2. *Ep. 45.*
his Complices attempted to set up *Fortuna-* § 1, 2. *Ep. 52.*
tus at *Carthage*. When the varying Customs § 6. *Ep. 67.*
of Churches, and the acknowledged reasons § 2.
of them, occasioned, or required Ecclesiastical *Cyp. 42. § 5.*
conferences between such Churches, they *Ep. 55. § 1,*
§ 9. *Ep. 42.*

were then wont to convene *Provincial* or *Domestick* Synods, and after their *Domestick* Decisions to send them with their Legates to the others for Examination and Reception, wherein if they agreed, this Uniformity repressed not only Schism it self, but the occasions of it; but if not, yet the differences of their Canonical Resolves by virtue of these Conferences were prevented from creating breaches in Communion; or if the Peace had been violated by any hasty Passion or Prejudice, things were generally healed by these *Synodical* commerces. Thus in the time of Pope

Euseb. E. H. l. 5. c. 23.
Concil. Carthagin. Episc. 87.
Cyp. cum colleg. Ep. 70.
§ 1. Ep. 71.
§ 1, 4. Ep. 72.
§ 1, 2. Ep. 73.
§ 1, 3. Ep. 75.
Firmil ad Cyp. § 6, 17.
Dionys. Alex. ad. Xyst. Pap. ap Euf. E. H. l. 7. c. 5. & c. 7. Cyp. cum coll. ad Fid. Ep. 59. § 1. &c.
Cyp. Ep. 62. § 1, &c.
Cyp. ad Cald. Ep. 38. § 2. Ep. 42. § 5.
Victor many Synods were held about *Easter-day* in order to an Uniformity, which not being to be procured all over the Catholick Church, *Victor* broke the Communion between his Church and the Churches of *Asia* under *Polycrates* Metropolitan of *Ephesus*; but the other Churches would by no means endure a Rupture of Peace upon a difference of exterior usages. So the Question of Re-baptization from Heresie was *Conciliarly* determined different ways in several Churches, without any breach of Catholick Communion, till Pope *Stephen* began the Rupture with the *African, Phrygian, Galatian, Cilician, and Cappadocian* Churches; which yet other Churches would by no means consent to; each Church determining according to its best Judgment, Rules, and Customs; but the most moderate taking care in the midst of this diversity, to keep the Unity of Spirit in the Bond of Peace. So a Council of 66
Africa

African Bishops determine the questions made them by *Fidus* concerning the reconciliation of one *Vulso* a-lapsed *Presbyter* by *Therapius* a Bishop, before Canonical Examination and Season, as also of the liberty of Baptizing Infants as soon as born, before they were Eight Days old; as also of the Offenceless way of living to be practised by the Virgins. And as they did Conciliarly provide to prevent, so did they to correct Evils, particularly the Vices, Violences, and Immoralities of all Orders, as in the *Presbyter Felicissimus*, not only for his Schism, but for his Lusts; especially concerning the Penances and Indulgences to the Lapsed, for which, in times of Persecution, and the dispersions of the *Episcopal College*

the *Criminals* were required to stay, and wait for peace to the *Church*, before it was decent for them, or allowed to them to claim their own; which was to be determined in *Councils* of their

Bishops, Clergy and standing Laity. All which, whosoever looks into the quoted places, will find to be thought not only expedient, but necessary for the good of the Church, and the persons concerned, and for the *Authority* of their Acts, which was universally and uncontestedly taken for *Divine*, upon grounds taken out of Scripture, which therefore they held frequently, and in some places annually, from which they sent *Synodical* Letters and Messages, with authentick Deputations and Powers, not only by the

Cyp. Ep. 12. § 2. Ep. 14. § 2. Ep. 26. § 4. Ep. 28. § 2. Ep. 31. § 5. Ep. 32. Ep. 40. § 3, 7. Ep. 52. § 2, 3, 6. Ep. 53. § 2. Ep. 54. Ep. 55. § 13.

Cyp. Ep. 55. § 13. Firm.int. Cyp. Ep. 75.

Sub-

Ep. Cyp. 41.

§ 1. Ep. 42.

§ 1. Ep. 45.

§ 1. § 2.

Sub-Clerical Orders, but by Deacons, Priests, nay and by Bishops also, according as the nature of the affair did require, and Junctures of Time and Season would permit, being herein as much concerned for a general Negotiation in Spirituals, not only each Church within it self, but abroad with all others, and for all Christian Uses, as the *Civil States* and *Sovereignities* are for *Domestick Conduct*, and foreign *Embassies*, and *Treaties* with more remote, or more nearly adjacent Countries, and with as fair (to say no fairer) ground of *Authority* from God and Nature. Upon all which I make these concluding Remarks, that if such *Synods* had not been thought of *Divine Right* and Duty too, those that were Convened, and Censured by them, would have denied the *Authority*; the Lapsed Penitents would have disclaimed their *Necessity*, the Apostates would have proclaimed the *Impossure* of a pretended *Divine Authority*, and the Churches would never have been at that vast Fatigue and Charge of *Synodical* procedures; especially against the Edicts of *Secular Powers*, had they not judged these to be Acts of an *Ecclesiastical Duty* to, and *Authority* from God. But here being none, the least Exception from the offended, nor any possible Inducement upon the Church to quit the claim and practice of such *Authority*, I think here is an undeniable presumption hereupon, that it was as uncontestable, as it was actually uncontroverted.

CHAP.

CHAP. VIII.

*Of the Authority of Civil Powers and
Laws in general, against the Liberty of
Ecclesiastical Synods,*

§. I. **A**FTER the Knowledge of all this, which I am sure the Dr. well knew, before ever he dreamed of Writing upon this Subject, 'tis a matter of astonishment to me, that he should look upon Synods under Alien Powers, to have been, and still to be, but prudential Clubs, without any *Authority* from God, or Man. And yet upon this confidence 'tis strange, that he should not wholly deliver them up to the full Authority of all Heathen, or Alien Powers, against which, where there is no right, no Human Reason, or Prudence can warrant any popular Frequencies or Councils. So that by his granting them *Reason*, he seems to grant them *Right*, and by granting them *Right* to grant them *Authority* to hold Synods under Alien Powers. And yet he is unwilling, even to allow what he grants, and floats up and down in his Doubts hereupon, and casts an unlucky glance upon the Primitive Synods, as scarce capable of *Excuse*, and more hardly of *Justification*. It has been (saith he) ever look'd upon as one great part of the Princes Prerogative, that no Societies should be Incorporated, nor any Companies be allowed to meet together,

together, without his Knowledge and Permission. The *Roman Law* was especially very severe as to this Matter. And tho' after the Conversion of the Emperors to the Faith of Christ, a Provision was made for the *Publick Assemblies* of the Church for Divine Service; yet *Terullian*, who understood these Matters as well as any one of his Time, tho' he excused their Meetings upon all other Accounts, could not deny, but that they fell under the Censure of the *Law*; and that having not the *Princes Leave* to meet together, they were in the *Construction of the Law*, guilty of Meeting against it.

Conventions
Necessary,) Innocent,
Hurtful.

§ 2. This brings one therefore to an Enquiry, What Meetings are of right obnoxious to the prohibitions and penalties of *Humane Laws*. The Conventions therefore of Men are of three sorts; either *Necessary*, or *Innocent*, or *Hurtful*. And first, such as are *Necessary* no Man whatsoever can have a *rightful Authority* to restrain; for *Necessity*; being a *Law from God*, cannot be vacated by any positive *Law of Man*. Nor, Secondly, can *Innocent Meetings* be rightfully denyed in themselves, but under the apprehensions of hurt or danger upon Time, Place and Circumstances. But *Hurtful Meetings*, in the Third Place, may not only, but ought of Right to be restrained by the Magistracy. Yet what Princes have no *Rightful Authority* to do, that they may irresistibly do upon an *uncountrollable Domination and Impunity*. Upon which, when they presume to Repress our Rights

Rights and Liberties, if it be in Matters *Necessary*, they are to be disobeyed in Fact, and submitted to as to their Legal Processes without resistance; if in Matters barely *Innocent*, there Prudence will direct, but no bare Conscience of Duty to the Tyrannical Law alone, will oblige to observation, tho' it will to Patience, under Legal Sufferings. For an Innocent Liberty is an *Unalienable Franchise* of our Nature, and all prohibitions of it, as such simply, are meer Nullities, as to the Rule of practical Conscience. And if so, how extremely wide of Truth is it, at large, to say, ' That it has ever been looked upon ' as one principal part of the Princes Prerogative, that no Companies be allowed to ' meet together without his knowledge and ' permission? Where I must take *Permission* to be *Voluntary*, and such as the Princee may rightly deny, or else 'tis nothing to the purpose. For if a Prince only *permits*, because he has no right to *deny* a privilege, the enjoyed privilege depends not on the Right of his Princely *Permission*. The Dr. I suppose, will be loath to extend this Rule to the Restriction of Gossipings among the Good Wives of our Parishes, or of Gentlemen to their Innocent Sports, Hospitalities and Entertainments, the Concourse of People to Fairs, and Markets, or places of Commerce, or to Coffee-Houses to hear what News comes or flies Abroad; concerning the Affairs of the World, while in these there are no *Apprehensions of Danger*. But if it be said, that

Necessary
Meetings
liable to no
Restriction
upon false
Fears.

Tertul. Apo-
loget. *Cum*
probi, cum
boni coeunt,
cum pii, cum
casti congre-
gantur, non
est fas dis-
cenda, sed
curia.

Leave not
necessary to
be asked
without a
Law requi-
ring such
Petition.

that the *Apprehensions of Danger* are the pre-
sumed *Cause* of such restraining Laws; I Re-
ply, That if, in truth, the Powers have such
Apprehensions of Meetings barely Innocent,
they have just Right, upon such fears, to re-
strain them, because apprehended not as In-
nocent, but at least dangerous; and the Sub-
ject, Knowing, or presuming this to be the
Reason of the prohibition, ought in Duty to
obey it. But this Rule will not hold in
Meetings necessary, whatever the Publick Ap-
prehensions of them be. For a *necessary Duty*
cannot give place to false and *unnecessary Fears*.
But now, in all Meetings not prohibited, nor
prohibitible by the Prince; if the Prince
must have always actual Knowledge of such
Meetings to discharge them from Guilt, not
only Majesty would hereby be rendred Ri-
diculous, but the Wearers of it be oppressed
with inrodes of People for giving in such
Informations and Petitions for Leave. But
if the Dr. had set it thus; That such Meetings
as the Prince shall by Law require Notice
of to be given to himself, or his Vicegerents
in that behalf, in any, or every place, in order
to leave hereupon to be given or denyed, ac-
cording to Right, or Pleasure, he had spoken
much more correctly. For in such Case 'tis
fit application should be made, not to obtain
a Right, but to secure the Peace and Honour
of the *Prince*, who, tho' he has no right to
deny the Meeting, yet has to be secured from
all dangers thereof. Now the Christians,
having no such command as this from the
Heathen Powers, to ask leave for their As-
sembles,

assemblies, but instead thereof, being absolutely prohibited, were under no Obligation of Law or Conscience to give Knowledge of their Meetings (which would not have been a means to procure leave, but persecution) nor yet to obey the irreligious Law of Prohibition. Had Heathen Princes set them such a Rule of Leave and License, there is no doubt but the Christians would have gratefully accepted, and as constantly have observed it, and have given all manner of security for their Innocency. From whence it follows, That the *Roman Laws*, as designed and pointed against Christians, Assembling on *Necessary Causes*, and a *Divine Right*, were Nullities as to the Precept, and Tyrannies as to the Sanctions, and that Severity, which the Dr. adduces as a Weight of Authority, does in truth, nothing else but reproach their Cruelty. What was it then that *Tertullian* so sagaciously knew? Was it, that the Christians deserved the Censure of those *Laws*, which he, as well as all other Primitive Advocates, do Arraign of *Inhumanity* and *Impiety*? Or was it, that they actually fell under the Censure of those *Laws* at the *Roman Tribunals*? This did not require so great a sagacity to discern, since all the *Heathen Mob*, that had been trained up to cry out *Christianos ad Leonem*, knew this as well as he. Now then, why was this Instance against the Liberty of Christian Assemblies brought? Was it to justify the *Roman Laws*, and to condemn the practices of Christians as Illegal? If not, 'tis Impertinent; if it be, Lord! what

Cyp. Ep. 25.
 § 2. *Humanis*
et sacrilegis
Legibus, &c.
vid. inter
omnes Pru-
dentium Pe-
ristephanon.

what an Advocate for Christianity is here;
or would he have been in these Holy Ages?
Or was it to deny the Christian Church to

Tertul. Apologet.
*Corpus sumus de Conscientiâ
Religionis & disciplina
veritate, & spei fadere.
Coimus in catum, & Congre-
gationem. — disciplinam
præceptorum inculcationibus
densamus; ibidem etiam
Castigationes, & censura
Divina. Nam & judicatur
magno cum pondere, ut
apud certos de Dei conspectu.
Summurq; futuri iudicii
præiudicium est si quis ita
deliquerit, ut à communi-
catione orationis & conven-
tûs & omnis sancti com-
merciū relegetur. President
probatique quoq; Seniores, &c.*

* The Church a Society
of it self.

be then, either in Right, or Fact,
Incorporated? Not so surely; since
the very self same *Tertullian* as-
serts such a *Corporation* in Fact,
and Divine Right; even in Apo-
logy to these very Heathen Pow-
ers, whom he did not hereby
design to enrage, but mollifie;
and so might have taught the Dr.
to have laid by this invidious way
of pleading, and to have looked
upon the Church * as a *Society*
of *Divine Constitution and Autho-
rity*, without any *Civil Incorpora-
tion*, into Secular States, and when
the Dr. shall reflect upon this In-
sinuation, he will find it drives
the point beyond his intention, to
the denying, not only the *Conciliar*
Synods, but even the *Assemblies* of

Christian Worship, to be of a *Divine Right and*
Authority; for the *Roman Laws* were as much
against one as the other. And therefore, I
hope this was none of those Matters in Ar-
gument, that challenge the precedent appro-
bation of my Lord of *Canterbury*, who, if
the Dr. could persuade him from caring for
Convocations, yet can never admit an *Hypocresis*
or an *Argument*, that will oppress the *Right*
of daily *Worship* also.

Ep. Dedic.

§ 3. It will hereupon be seasonable to examine, what *Authority* Princes, meerly *Supremacy of Heathen Princes.* Secular or Heathen, have over Christian Assemblies of what Kind or Nature soever, that thereby we may prepare a way for discovering the *Supremacy* of Princes espousing Christianity.

§ 4. First then, all Princes may require fidelity to all their *Civil Duties* from all Christian Persons, Assemblies, or Synods, and consequently to offer at nothing in prejudice to any *Civil Prerogatives or Rights* whatsoever; and for this they may (if they doubt) demand such reasonable Security as can be had, or as is usually given in like Cases. *To require Fidelity.*

§ 5. Secondly, They may require them to live by their own Rules, and punish them *Temporally*, if they break them: a Falsity in a Religious Profession being Criminal at any Bar whatsoever. *To punish Christians for not living by their own Rules.*

§ 6. Thirdly, They may require any Christian Assemblies or Synods to inform, and instruct the Prince, or any of his People in Matters Christian, on the engagement of *Publick Protection.* *To call Assemblies upon Protection.*

§ 7. Fourthly, Every Prince has a Right of Presence in any Christian Assemblies, except in Matters of *Christian Communion*, peculiar only to the Initiated. For all Religion Mystical requires a peculiar Society of its Votaries, and admits no Aliens whatsoever; but in all things, without that Communion, even a Secular Prince may appear in peaceable and friendly manner. *Of being present, except in matter of Communion.*

§ 8. Fifthly;

Of Inspection
and Cau-
tion over As-
semblies, &c

§ 8. Fifthly, Every Prince may appoint all ways of Inspection, and Caution to preserve the Peace, against all disorders, that may be suspected, or occasioned in such Synods, upon Pretences or Transactions of Religion (as being the publick Guardian of all Secular Justice and Peace) by Virtue of *Civil Laws, Sanctions* and all *Processes* of Legal Government. But if a Prince breaks in upon Authorities, elsewhere lodged by God, this may be done indeed with impunity, but not with Right, and may oblige to patience under Legal Sufferings, but not to any practical Obedience or Observation.

CHAP. IX.

*Of the Authority of Christian Princes
over Ecclesiastical Synods in point of
Reason.*

§. 1. **WE** have above prescribed for a Divine Right in the Catholick Church to hold Ecclesiastical Synods by the Authority of her Spiritual Governours; and in them freely to *Deliberate, Consult, Act, Determine, and Decree* in Matters of Doctrine, and Discipline, and Communion, to a Spiritual Obligation unto Canonical Obedience, in all the Subject Members. The Foundations hereof we have laid in the Scriptures, and deduced an Universal Succession of this Practice upon a Continued and Catholick Uncon-

Uncontested Claim of a Divine Authority in the Church, for the three first Centuries; We have also adjusted the True Bounds of Supremacy in meer Heathen or Infidel Princes, over such Christian Assemblies; We are now to go on, and consider the Ecclesiastical Sovereignty of *Christian Princes* over Ecclesiastical Synods, how far it reaches, and on what grounds it stands.

§ 2. And first, it must be granted, that the Authority of a Christian Sovereign must comprehend that of all others in it self, there being no Reason, that Princes should lose any Prerogatives of their Crowns by becoming Christian; it being for the benefit of Mankind, that their Princes should be all Christian, and therefore not fit that they should suffer any Diminution by that, whereby the World receives so vast a Benefit. But because this alone is not like to give content, we will sum you up the Prerogatives of Dr. Wake, taken from our Crown here, and ascribed equally to all other Sovereign Princes, professing Christianity, what, where, and whensoever.

Princes to lose no Authority by being Christian.

§ 3. By the Submission of that most Holy, Undeiled, Humbled and Orthodox Convocation under K. (I had almost said St.) Henry VIII. and the Statute thereupon, it is fixed, that our *Convocations* are not to convene without the Kings Writ, nor attempt to Make, Enact, Promulge, or Execute any Canon, &c. without Royal License, &c. this being but an Affirmance of an Antecedent Right at Common Law, which the Dr.

The Tenor of the Submission of the Clergy to H. VIII.

deduces down by Historical Accounts from the first Christian King of the *English Saxons*; and not content therewith, he extends the Supremacy beyond the Letter of the Law, and Lodges it in the very formal Right, and Reason of the Christian Magistracy; precluding hereby all possible hopes of any the least relief from our present Tyes, notwithstanding all our old Franchises, our present Merits, and our future Dangers. For the ill Consequences of a Local and Positive Law, might have had remedy; but the Fundamental and General Laws of Sovereignty admit not the least Correction or Alteration.

§ 4. Now the Doctrine of the Dr. briefly consists in these *Aphorisms*;

1. p. 14; 41, 48, 76.
1. That under the Dominion of the Christian Magistrate, the Church has no *inherent Right or Authority*, to convene in *Synods*, but what it derives from the *express Concession* of the Christian Prince.
2. p. 84, 85, 136, to 139, 289, 38, 286.
2. For that all *Synods* are but of *Counsel* to the Prince, and entirely in his Hands; and so
3. p. 28, 39, 40, 103, 104, 105.
3. Not any to be sent to the *Synod*, but such as he shall allow; nor,
4. p. 79, to 83, 106, 107, 110, 112, &c. 132.
4. When convened to Sit, Debate, Propose, Deliberate, Conclude, or Decree any Matter of Doctrine or Discipline whatsoever.

5. Nor

5. Not in any Method, Form, or Manner whatsoever, save what the Prince admits, and that

5. p. 44, 53, 54, 71.

6. The Prince may Ratify, Annihilate, or Alter all their Acts and Procedures, or as many of them as he pleases; and

6. p. 81 to 86, 133.

*7. Suspend the Execution of all, and any of their *Canons* and *Sentences*;

7. p. 83 to 89, 125, 126.

8. The *Authority* of their Acts being entirely and only his; and Lastly,

8. p. 288.

9. That no *Synod* hath Right to *dissolve* its self, without the Kings License.

9. p. 77 to 79.

Where we may Note, that all these are Articles Negative of all those *Liberties* and *Authorities* of the Church under the Christian Princes, which she claimed of *Divine* and *Uncontested Right*, under Heathen Powers, for the three first Centuries of Christianity, immediately lost, and to be swallowed up of every Prince, as soon as he commences *Christian*. Wherefore it is necessary to look to the bottom of this Matter, upon which the Dr. builds this overthrow of all the *Churches Authorities* under Christian Powers. Now his Arguments are of two Classes, the first seated in the *Substrate Reasons* and *Equity* hereof; the second derived from the General and Uniform *Claim and Practice* of all *Christian Princes*.

§ 5. As

The Drs. Arguments
from Reason.

§ 5. As for the former sort of Arguments, which would have been the chiefest, most convincing, and most satisfactory, the Dr. has not collected them into any proper Order or Sections, in order to a set illustration of his Principles, as it had been to have been wish'd; but only by light touches and glances here and there, seldom and confusedly Interspersed, given us little hints and intimations of them. Now herein perhaps he has bespoken our excuse, for that his hast and interfering Avocations, would not allow him to be exact. But hereupon, to set things off in the clearest light and view I can, I will corrade those Reasons, on which he Bottoms the Right of Christian Princes to these Authorities: These are therefore of two sorts; one relating to the *welfare* of the Church; the other to *that* of the *Civil State*.

p. 7.

|| p. 44.

* p. 79.

† p. 18.

¶ p. 42, 57,

70, 73, 80.

p. 81.

§ 6. And first, with relation to the Church, the Christian Prince is the *Guardian* of it, || and consequently *Supream Governour* in order to that *Protection*, which the Church expects or enjoys from him, * and that such *Synods* hereby may become *Legal Assemblies*. † Secondly, In reference to the *Civil State*, such a plenitude of *Regal Power* over Ecclesiastical *Synods*, is necessary to the ends of *Civil Government*, ¶ and *Peace*, particularly to prevent in them *Proceedings* prejudicial to the *Regal Power*. Now, if from these Reasons, there be a necessity, that the *Divine Rights* and *Authorities* of the *Catholick Church* in the *Convention*, *Freedom* and *Acts* of *Synods*, should shift their former *Subjects* and *Depositories*,

juris, and pass over into the hands of Christian Princes; then is the Argumentation hence hereunto suggested by the Dr. good; but if all these Reasons, Ends, and Purposes, may consist with the Permanency of these Liberties and Powers in the Church, as they stood Authorized by God for the three first Centuries, then, whatsoever others may be brought, these will not, I doubt, appear to the Author of the Letter to be valid, necessary, or cogent Reasons for the alienation of these Powers from the *Hierarchy*.

§ 7. We begin then with those Reasons Protection
from Hea-
then Powers. that are drawn from the Benefit of the Church, under the *Guardianship* of Princes, the *Protection* of the Faith, and the *Legalizing* our Synods. Now here it is to be noted, That *Heathen Princes* may do all this for the *Christian Church*, as well as *Christian Princes*. For tho' they do not believe Christianity themselves, either in whole, or in part, yet they may give the *Church* a Legal Toleration to all its Offices, and Assemblies, and this *Legalizes* them. He may also add other Immunities and Charters to his Christian Subjects, and so not only protect but promote them. And this was in great measure done by all Non-persecuting Emperors, and the Persecutors too, when ceasing to persecute by the Revocation of the cruel *Edicts* and *Laws*, and giving new *Edicts* for their Securi-ty. But will the Dr. thereupon conclude, that those Heathen Emperors have, or had Right to all those *Church Powers*, which he

No ground
for such Au-
thority over
Synods.

hereupon arrogates to the Christian Sovereigns, in the above-named *Aphorisms*? If so, I must needs say, that he must condemn all the *Synods* held, during times of Peace (which were perhaps the only times) in the three first Centuries, as Violations of the *Imperial Authorities*, without whose License they Convened, Sate, Deliberated, Debated, Promulged, and Executed Decrees, Canons, Sentences, on their own Divine Right, and in the Name of the Lord. And such an Inference, as would follow upon this supposed Ground of Legal Protection from Heathen Powers, I need not expose, by upbraiding the ridiculous Guise of an Heathen Prince, actually ordering, and directing all the *Synodical Consuls* and *Polity* of the *Christian Church*, and *Ratifying*, *Annuling*, and *Altering* their Decrees, Acts, and Sentences, as he Judges best for the good of the Pupil Church, of which he, not the Synod, is to be Judge. But I think a meer Edict to this purpose, would be very Pretty and Congruous; as for Diversion and Example,

T. U. Cæs. Aug. Sec. To all Christian Churches within our Empire, Greeting; Know ye that of our especial Grace and Compassion, we have taken upon us to be your Guardian, to protect you in the Freedom of your Religion, and to Legalize your Synods; Upon which Consideration, you have no Right nor Liberty of yourselves, to Convene in Synods, nor to Sit, Deliberate, Act, Decree or Resolve any Matters of your Faith, Doctrine or Discipline, by Canon, or Sentence, without the Authority of our Gene-

ral

' val or Particular License, to every your Par-
 ' ticular Act and Method of Acting, nor Enact,
 ' Promulge, or Execute any Thing or Ordinance,
 ' without our Ratification; who can, of Right,
 ' Annul, Rescind, Vacate or Alter all, or any
 ' Thing you shall do in Synod, which only is of
 ' Council to us in the Conduct of the Church,
 ' which we protect, being wholly dependent on
 ' us, and in our hands, its Conciliar Acts being
 ' wholly ours, and all their Validity from our
 ' Imperial Authority. To this we require your
 ' Synodical Submission, on fear of a Præmunire
 ' otherwise incurred, that thereupon we may put
 ' out an Edict of Præmunire, upon all the Clergy
 ' that shall attempt any the least Violation of this
 ' our Ecclesiastical Headship or Supremacy. Yet
 as odd as this sounds in all Christian Ears,
 it is as justifiable as in any Christian
 Prince, if such Protections, as are aforesaid, are
 the alone true Reason for this Supremacy, for
 there is no differencing Cause assigned in the
 Reasons. 'Tis true indeed, a Christian Prince
 looks more likely to protect us, than an
 Alien, and has one peculiar actually Federal
 Obligation by his Baptism, to support the
 Communion of the Church, by all his pow-
 ers; but so is every private Christian too;
 and 'tis possible for a Christian Prince to
 omit this Care, or to be disabled in it, while
 elsewhere, the Humanity of an Heathen
 Prince may do more for it voluntarily, with-
 out any Federal Tyes of Christianity; and
 consequently, if the Ecclesiastical Supremacy
 be Founded on such Protection, and Squared
 in its Measure by the proportion thereof, I
 believe

believe many Heathen Princes had more, tho' unknown, Right in the Ecclesiastical Supremacy, than many Modern Princes professing Christianity; it being possible, that Princes may freely protect Subject Societies, which they are not federally, or otherwise bound to (as Jewish Synagogues now are in their States of Pilgrimage) which they, that are especially bound to, may oppress under the very colour of that Supremacy, that is thus Founded on the Right of Protection; Tho', speaking generally upon the Law of Nature, all Princes are thereby equally bound to protect all the Fundamental Rights of the Innocent, and consequently those of the *Christian Church*; so that the Right and Reason of our protection under Princes, is not Founded in their *Christianity*, but the *Churches Innocency*, and the *Right* She has to the *Royal Protection* in doing good, by any Acts, or Operations Synodical, or other. Nor will this assert a *Right of Protection* to all pretended Religions; for, tho' the Ignorance of a Prince, in the distinction of true Religion from bad, may occasion him in mistake, actually to persecute the Right, and cherish the Wrong, to avoid which, under that Ignorance, he ought to tolerate that wherein he can see no hurt, yet really nothing but real Truth has a real Right to any Protection or Countenance; and the Connivances or Encouragements given to false Religions, must be excused, or justified, not on the Right of the Errors (which is none) but on other Reasons exteriour, either of State, Peace, or other insuperable diffi-

Toleration
not founded
on the Right
of all Religi-
ons tolerated
but upon o-
ther exterior
Reasons.

difficulties ; nor can such mistaken, or enforced Protections, give the Protector an Ecclesiastical Headship over all those Systems of different Religions, to act them all, as Dr. Wake allows them to Act the Church, because there is no Right bottomed upon Error, (See Chap. 1. Sect. 5.) and because many times they are exempt from his Jurisdiction, as in the Chappels of Embassadors, and Foreign Factories, whose Protection is not Founded upon a supposed possibility of Truth, but upon the Reasons of Commerce and Negotiation.

§ 8. But if the Dr. shall here make Protection only to consist in an *Incorporation* of the Church into the State, and her Canons into the Laws, as this is quite another thing from bare Protection, and thought to be of a more transcendent Elevation ; so it will then appear, that none of the Christian *Roman* Emperors did so instate the Church, which consequently must then be out of Protection, and so free from their Supremacy, the Exercise whereof therefore must have been an Usurpation and a Nullity.

Incorporation differs from Protection.

§ 9. But we shall by and by discern a little better, the Form and Nature of a Protection of the Church. For if the *Catholic Church* had a *Divine Right* in the *Liberties* and *Authorities Synodical*, continued universally inviolate and unquestioned for 300 Years, downward from the Apostles, how can this Body be protected by any Magistrate or Powers, that shall claim off in point of Title, and take it away thereupon in point of Fact, any
or

Protection
inconsistent
with violati-
on of Right.

*Jews, Pa-
pists, Secta-
ries, all for
Ecclesiastical
Liberty.*

or all of these *Divine Priviledges*, given by God, and granted to her Priests for her Conduct and Conservation? and this under a pretence of Protection? while the *Churches Constitution* is apparently ruined, and her Synods, heretofore free, declared now for Criminal, if not held in Villenage? This is so contrary to the very Dictates of Nature, in the Reason and Form of Protection, that all Systems and Factions of Religion, disclaim such Bondage, and challenge a liberty as presubstrate and prævious to Protection, which is otherwise inconceivable, and the pretence thereof, a meer sham upon humane Understanding. The *Jews* therefore, as busy as they are to be enfranchised in their several Dispersions, yet would never endure the *Civil Powers* thereupon, so to prescribe all the *Politie* of the *Synagogue*, and to *Null, Cancel, Rasify* or *Alter* their Methods; and an attempt of this Nature upon them, would appear as dreadful a persecution as *Cains* his erecting his Image in their *Synagogues*. Not only the *Romish Church*, but all other *Sectaries*, and the *Scotch Kirk* illustriously scorns to admit any servitude, notwithstanding not only the *National Protection* but *Promotion*, being all sensible that a *Liberty of Religious Government* and *Church Discipline* is more valuable than all worldly *Wealth*, or *Interests*, and without which they cannot apprehend any *Protection* to Religion, or the *Societies* that profess it. And to close up all, since in all *Ecclesiastical History*, those *Synods* have been most injurious, or injuriously dealt

dealt with, that were least free, and their *Authority* thereby vacated with all Churches for ever, I wonder what reputation the Dr. will secure to a *Provincial* or *National* Synod with Neighbour Churches, whether Popish or Reformed, or with future Generations, should it be in Fact so managed by a Prince, as the Dr. avers, it may rightly be in all its Motions and Issues? Or how can we blame the Popes Management of the Council of *Trent*, and such others, if we will justify ten times a greater Bondage in the Councils called by Princes? What security is there for Uniformity in Doctrine, Regularity of Discipline, and *Authority* with the Christian Church, if all be to be done only *ad nutum P——pis*? The Dr. tells us of Bp. *Lauds* Concurrence with K. *Charles* the First his *Writ* for, and *License* to the Convocation; Very well, and that King, and that Prelate too, might do so in observing the Forms, which could not be altered without Act or Rupture of Parliament; but does it follow, that they were either of them of the Drs. Enslaving Principles under Sovereignty in General? When that Great Primate declares against *Fisher*, a free General Council to be the supremest Judicatory in the Catholick Church; and would he not then think the same of a Provincial Council, for a Provincial Church? tho' both convened and permitted to sit by the Will and Order of Princes? Men may Act under the Forms of those Laws, when not actually Executed to our injury, which they do not simply approve of
in

Liberty necessary to validity and reputation.

p. 115.
King *Charles*
the first and
A. B. *Laud*.

Truth and
Piety free
Principles.

Not to be
committed
to Slaves.

The forms of
alienation
improper.

in themselves; and against such a Prosecution of which Laws they would openly and avowedly Complain, as did the Council at *Ariminum*, &c. And I take it, that it must pass for an eternal Rule, that as Truth and Piety are free-born Principles, so are the Depositories or Trustees of them also to be free in the Culture and Propagation of them. And they, that withdraw the Necessary Freedom of these Trustees, withdraw their *Protection* from the Principles themselves; they being too noble and glorious to be committed to the Care and Conduct of Slaves or Vassals.

§ 10. Having thus enquired into the first reason for this Alienation of *Synodical Powers* from the Mitre to the Crown, let us in the next place examine the Form of it hereupon, which must consist in a *Devolution*, *Occupation*, or *Contract* with the Spiritual Powers. If by *Devolution*, this must be founded, either in the *Original Ordinance* and *Constitution* of God, or from the *Natural Right* of Sovereigns over all Persons of the same Religion. The first ground hereof I want, and can, I doubt, be no where found; and we shall have occasion hereafter to make Experiment, whether it can or no. And as to the second, I shall readily yield it, if it can be made out, that in all Religion, Natural and Revealed, the Prince, that is of it, shall have the entire Conduct of it. For then indeed it must rest in the *Hierarchy* only, till they get a King of their Faith, to whom then they must turn over all their Powers.

Powers. But why should this Divine Charter *Devolve* over to Princes, any more than that of a little *Borough*? This of the *Borough* was granted by Kings. Be it so; tho' 'tis not necessarily so; for that popular States may so fix themselves, and after admit a King to protect them, but without any *Devolution*. But be it so. Can then our King be denied a *Devolution* of a Charter in a Town which he *Protects*, because a former King founded it, tho' in a mere Secular Interest and Government, and must a Charter founded by the King of Kings *Devolve* to a Temporal Prince out of those Hands, and that Society in which it was vested, in a matter quite different from the Secular Polity? I do desire a proof hereof, as weighty and important as the Matter and Consequences hereof are. What then, is it liable to a Despotick *Occupation*? This again is what a *Borough* will not yield upon a *Quo Warranto*, but will be ready to make a Counter demand of *Quo Warranto* from their Prince. In vain would he plead for it on the Right of *Protection*, while he strikes at all their Municipal Rights and Liberties. But we, we only are the Poor, Tame, Dispirited, Drowfie Body, that are in Love with our own Fetters, and this is the only scandalous part of our *Passive Obedience*, to be not only silent, but content with an *Occupation* of our *Privileges*, which are not forfeited, nor forfeitable to any Worldly Powers whatsoever. And as to any Contract, 'tis neither pretensible, nor pretended by the Doctor; tho' too much in truth

Be sure except the English Church here.

truth in latter Ages has been exchanged by the Church for Worldly Interests, wherein mainly lies the great Ruine of Christianity.

§ 11. But now we descend to the second Cause, in which this unlimited Supremacy of Princes is by the Doctor founded; namely, *Civil Interests*, as of Peace, and the Princes Prerogative. To both which I for my own part am willing to surrender all, if it be necessary. But before this however, I would fain know, how do the Laws of Peace require a Violation of those Rights which God hath lodged in the *Hierarchy* as a means to reconcile all in one Body, unto a common Peace with God, and each other? If the Clergy use their Powers to that End, who has Right to hinder them? Who to break the Peace with them? But if they do not, there are other just ways of securing them from *doing wrong*, than by disabling them from *doing Good*, that very Good, which God hath set them apart, and sanctified them to do. And these ways are in the Power and Sovereignty of an Heathen Prince, as is above manifested, and therefore are sufficient to the same ends in the Authority of a Christian Prince, from whose Coercion in matters of Crime, the Priesthood, how much soever to be revered by Princes, ought not to be made a Shelter or Protection. Under these Powers of Heathen Princes, the Christian Synods made no Rupture on the Peace or Prerogative of the Empire, tho' as undeservedly accused for this

Chap. 8.

Church Ordinances innocent in all States.

this by the Heathens, as we are suspected of it now, Why should the same Spiritual Liberties within a Christian Kingdom, be thought more dangerous than they were to Heathens? I will not speak out how the Churches of Christendom have been crushed between the Upper and the Nether Millstones; but sure I am, hence are all the Confusions, both under the Papacy and the Reformation; Nor is it possible to make any true and signal Conversions to the better, as long as there is a common Slavery upon the *Hierarchical* Powers; for as we hate the Bondage of *Rome*, so they hate the Bondage of the Church under Secular Domination, and so hereby is maintained a perpetual and irreconcilable aversion, which no illustrious Piety can extinguish, while the Powers thereof are Chained down to mere Politick Ends and Services.

Be sure here
by all means
to except
England.

§ 12. So that as there is no necessity, so neither is there any expediency to recommend any such unlimited Domination. For as Things and Persons Consecrated to God are to be treated with a Respect and Reverence suitable to that Sanctity and Relation to God, so a Prostitution of them under Secular Contempt is no small Impiety towards God, and no small Guilt, Blemish, and Indecency in them that cause it. Now of all things under the Sun, nothing is so hated, feared, and despised as Servitude; and no Servitude more reproachful than that of Priests, which were from the beginning a most Noble, Free, and Honourable Order in all Nations;

No Expediency in the
Slavery of
the Church.

not excepting the very Barbarous : Nor yet of all sorts of Slavery is there any so Indecorous, and Grieving as that, which oppresseth the Sanctity, Authority, and Operation of their very Functions ; for maintenance of which, the Bishops of the Primitive Church were chiefly sought out unto Martyrdom. And yet as hateful as such Vassallage is in it self, 'tis less Odious under an Heathen than a Christian Prince. For from an open Enemy 'tis natural enough, and no new thing to expect Oppressions, but when a Prince hath been Consecrated by God's Priests into the Communion of the Catholick Church, he is thereby federally engaged to assert all the Rights and Authorities of that *Divine Communion* vested by our Lord in the Christian *Hierarchy*, as much as every common Christian, or Priest himself ; our Salvation in common being promoted by the Conduct of them, Can then a claim of an Oppressive Supremacy, be deemed a Glorious Jewel in a Christian Crown, which if exercised, must of necessity forfeit the Kings Salvation ? And is it not a dangerous *Complaisance* in Priests, to fan such an Ambition, as must end in the Ruine of the Church, the Priesthood, and the Soul of the Prince, which the Liberties, and Powers Hierarchical were designed to Convert, Direct, and Preserve ? It is not perhaps without an especial Providence, that *Eusebius* has preserved the Memory of this Artificial kind of Persecution, practised upon the Church by the Emperor

petor *Licinius*, 'Who prohibited the Bishops from
 'Visiting the Neighbour Churches, or to hold
 'Synods, Consultations, and Advices concerning
 'matters profitable; — that so either by dis-
 'obeying his Law, they might be subjected to
 'Punishment, or by obeying his Order, dissolve
 'the Laws of the Church; For that 'is no
 'otherwise possible to set great Concerns at Rights,
 'but by Synods; by which he attempted to break
 'that Concordant Harmony in the Church. A
 place well worth every Princes and Doctors
 deep and most affective Consideration, that
 under pretence of Peace there may be no
Licinius set up over the Hierarchy, within
 the Communion of the Christian Church.
 For besides the Domestick Cares and Exigen-
 cies of every Church, requiring a constant
 Watch, and frequent Consultations, the
 concerns of the whole Catholick Church
 under Heaven, ought to affect every Pro-
 vince and Bishoprick thereof, to a frequent
 course of Communications, in order to a
 general Union and Uniformity in all the prin-
 cipal matters of Christianity, a duty never
 to be performed, but by a liberty of Synods
 in order thereunto, in which the Rights of
 the Catholick Church run a parallel with
 those of Civil Powers. 'Tis true indeed this
 Communication is actually broken off; but
 the Right and Duty thereof is uncanceled,
 and eternal, obliging all Churches to restore
 it, and I believe, all Princes to permit and
 assist the restitution. Let therefore the
 Church be bound in all humility, by an ex-
 press Law, to acquaint the Sovereign Prince

Licinius his
 crafty Perse-
 cution.

Ecclesiastical Liberty
the best
means to the
Peace of the
World.

with her Desires, Reasons, Places, Seasons, and Necessaries of Convening, to Petition his Leave and Favour, his Inspection, Assistance, and Succour to the Piety of their Designs, and to secure him her Fidelity to all his proper Honours and Interests, to keep within Ecclesiastical concerns, and do all things openly to the Glory of God, and the Good of Souls in the Unity, Order, and Purity of the Church, preserved by the Rules of Catholick and Canonical Communion, and this under the Guard and Watch of Temporal Powers, this surely will be so far from endangering Mutinies in States, that there is no way so like to preserve the Peace of all Christian Nations, as that which will maintain the common Peace and Unity of their Churches; for that all Princes truly Christian, will be very tender of breaking the Civil Peace, whereby the Sacred Communion, so necessary to the preservation of Christianity, must be obstructed, if not utterly violated. And as such a Communion, founded on such a Liberty, would prevent most National Wars, so would it also most Intestine Seditions. For the Authority of a Priesthood, shining in its due and proper Lustre, supported by the Secular Powers, would over-awe most popular Insolencies, or however the Influence of Christian Communication from Churches abroad, reduced to their Primitive Union, must in all Humane probability sooner quench the Calamity, than can be expected in a state of general Division, and the insignificancy of an Oppressed

Oppressed and Despised Clergy. But the fatal Envy, Jealousie, and Hatred against the Priesthood, occasioned by the accursed Frauds and Tyrannies of the Church of *Rome*, is such an extreme in most parts of the Reformation, as obstructs their Piety, and there-
 upon Gods Blessing, and their own Happiness, it being intolerable for such People, that are so zealous for their Civil Liberties, to be so averse to the just Rights and Immunities of a Priesthood, that is clean and pure from all corrupt or abusive Principles whatsoever; and therefore no wonder if the Reformation makes no greater Progress, nor Figure in the World; but goes backward apace both in its Esteem and Interest. For a mere mistrust from instances of corrupt and unreformed Churches is not warrantable against those, that are Reformed, even in those Principles, which gave the past Offences, and continue the present Jealousies. And whether we will or no, we do trust our Souls with these Men to whom God hath committed their Trust and Care, and it is strange, that we should not allow them liberty, well to discharge that Trust, in Jealousie that they will abuse us in the freedom necessary to the performance thereof, while yet we have a full Temporal Right and Power to suppress and punish all Injurious Exorbitances of the powers Hierarchical.

Still except
England, and
Omnia bene.]

CHAP.

CHAP. X.

Of the Authority of Christian Princes over Synods from Exemplary Practices.

The Drs.
three sorts
of precedent
Examples.

§ 1. **H**AVING thus discussed the Importance of the Drs. Reasons in the Protection of the Church and Civil Interests ; we proceed to his Arguments, drawn from Examples, which are indeed the only sort he professedly insists upon, and layes the whole stress of his cause. These Examples he ranges into three Orders ; First, Those of the *Jewish Kings* in Scripture ; Secondly, Those of the *Roman Empire* ; And Thirdly, Those of the Princes, who, upon the Inundations of the Barbarous Nations over *Europe*, succeeded in the several Kingdoms and Principalities thereof, and particularly those of our own Country, from the first Conversion of the *Saxons*.

The use of
Examples in
Legal Pleas
for Right.

§ 2. Now before we come to Traverse the Matters of Fact, it will be necessary before hand to try the force and legal Conclendency of such Argumentations unto Right. In all Legal therefore and Judicial Enquiries, Examples are alledged for one of these two Purposes, either to Aver or Explain the Sense of an Extant Act, as Law, Contract, or Constitution ; or to prescribe a presumption for such Act, &c. where it appears not.

For

For first, Where the Originals of a Legal Practice are Extant, they mutually assert each others certainty of Sense and Right, which might otherwise have been dubious, if no Customary Practice had followed on that First Foundation, the Sense and Knowledge of Words Altering and Growing Obsolete in themselves many times in long Tracts of Years or Ages. On the other side, it being so easily possible in Nature, and frequent in Fact, that Records are buried in the Ruines of Time, on which the Rights and Duties of Persons and Societies, have been long and of old Founded; therefore upon the Non-appearance of such Originals, Customary Judgments Recorded, and Prescriptions Immemorial well Attested, do generally pass for good Presumptions of a *valida Constitution*, now lost or disappearing. But upon Matter Attested, the Court Enquires into two Qualifications, First, If the Matter in Prescription be consistent with Common Justice, in its own Nature and Design; for otherwise the Court will presume there was no such Constitution, or however, Naught and Null in its self, and so condemn it. Secondly, The Court will consider, whether the *Immemorial Practice* could however have been as Antient, as its supposed or pretended Original must have been, and so was in Fact; i. e. whether they of that Age to whom the Prescription refers its Presumptions, could have had such a Concern before them. For if Inventions, notoriously new and late, because they have

Things in-
quirable in
prescripti-
ons.

Injustice &
too notori-
ous Novity,
vacate Pre-
scription.

continued longer than any Mans Memory or Life, shall hereupon pretend themselves Founded in an Ordinance of Ages fore-past, in which it is certain no such Inventions or Matters yet were; this will discover such Imposture, and vacate such *Presumption*, as if a Man would prove Tobacco to have been in Use here before the *Saxon Times*, because it has been used for time now Immemorial. Whereupon the Dr. by alledging Instances, must by them intend, either to explain, or affirm the Sense of an Extant Law, or *Act* for all these his *Rights* and *Powers* of the Regal Supremacy in all Christian Princes as such, which Law or *Act*, must then be previously set forth, and produced as the most especial Matter in Evidence, to be affirmed by the constant succeeding Practice thereupon grounded and vouched; or else he must, by his Instances, prescribe for a *Supposition* and *valid Presumption* of such Law or *Act*, as their *Legal Original*, and defend it against all charges of *Intrinsic Injury*, or of a *Novity*, notoriously much later than the supposed *Original* could be, besides what ought to be added, the proof of a *perpetual uninterrupted Uniformity* in the practice, beyond all Epochas, or Memory.

* Prescriptions from the practices of an uncontrollable force, no Arguments of Right in the Court of Conscience.

§ 3. But here is one thing more to noted in prejudice to the Rectitude of *Prescriptions*, taken from the practice of Sovereign and Uncontrollable Powers, that by Virtue (or what else you will call it) of that unaccountable Eminency, they may, and many times do, go beyond the Lines and Measures of Right.

Right appertaining to them, and who is there that shall say to any such Prince, What doest thou? So that prescription, though it will actually carry it in such a Kings Courts, where the Judges are at his own choice and pleasure, yet is not a safe nor certain *Criterion* of real Right, before free and equal Judgments, as would appear in other Courts, or by the Resolution of Foreign Lawyers, where their Judgments are not subjected. And therefore that *Prescription* for Kings, which will and must pass with Lawyers, in *foro* for Prerogative, must not presently be taken for infallible Right by all Men, and particularly by Divines, till the whole Nature of the Matter and the Reasons of the Royal Interest appear equal. For the verification hereof, I need not go back so far as the Licentiousness of the *Cesars*, nor so far off as to the *Adabmetans* Kingdoms; let us but look over the Southern Lake, and see how *Prerogative* prescribes over the miserable Subjects there, and every where else, where the Sword is Arbitrary; and think the Observation will appear very well bottomed. So that when the Dr. would argue for all his Exorbitant Powers of Princes over Synods, from their customary Claims and Practices, to the convincing of Mens Minds of the Rectitude of them, he ought all along, or by a general Set of Reason, once for all, to have set forth the *unexceptionable Equity*, as well as *Custom* of such Practices; for otherwise the *customary Practices* of a Boundless Power, will not *ipso facto* prove their own Equity,

Equity, nor be fair presumptions for it alone, with free and unsubjected Judgments.

§ 4. To shew the reasonableness of these Cautions and Exceptions, let us but consider, how great and large a Prescription *Abominism* has in those Infidel Countries, and Popery in great part of Christendom, and *Heathen Idolatry* once had, from almost the Tower of *Babel* till *Constantine's* Days, over the General World, under the support of the Princes Prerogatives; and yet we see all those were, and are meer *Nulities*, because there is no equal bottom for them, but the certain iniquity vacates all that Right of Prescription, which yet did, and still does pass in Law thro' all the abused Countries; so that prescription is rather a Rule of Right among Subjects, than in Sovereigns.

The Dr.
heeded not
to any good
Originals for
his prescrip-
tions.

§ 5. Now the Dr. is so far from pretending to any Express Law or Constitution for the general Right of all Princes in those Powers, which he has so liberally assigned them, that he does not so much as suggest, nor seem to consider the *presupposition* of any such as the Original of these Prescriptions. Only in Fact, such things have been done, pretended and claimed by Christian Princes, and never by others without their Concession, and so concludes therefore, it was, and is their Right as *Christian Magistrates*, without any reference to, or *supposition*, expressed of any *Legal Original*, no not so much as indefinitely and generally; whereas it was to have been expected, that he should have definitely Specified some Law or Act, as the *supposable Original* or *Founda-*

tion of them, either the *Law of Nature*, or *Providence*, or some *Divinely Revealed Law*, *Grant*, or *Prophecy*; or the *Law of Nations*, or *Common Charter of Christian Nations* at such, or *Canons Ecclesiastical*, or *Contract between the Ecclesiastical and Civil Powers*, or at least, and at last, some *Original Imperial Law* over the *Roman World*, whence all the lesser Princes of the divided Empire retain the Right so Founded. An exact Lawyer would have laid some or other of these Foundations for the prescribed practice; but the Dr. was sensible it was a dangerous adventure to assign *Originals*, and so let it pass; but by thus slipping it over, he shews it impossible to be done, and so fixes a fatal prejudice against the Truth and Credit of his Reasonings; since he shews no *Original Cause*, *Reason* or *Equity*, presumable for the Right of such a *Prescription*. And therefore, since he so fatally fails at the bottom, we cannot expect any great success or assurances from his meer *Historical Allegations*.

§ 5. We will therefore go on with him, and make Experiment of his most Antient and most Divine Instance in the *Jewish Kings*. Jewish Princes. p. 10.
 There is, saith he, no one so great a Stranger to the Holy Scriptures, as not to know what Authority the Jewish Princes, under the Law, pretended to, as to this Matter. What that Matter is, he just before declares in general; *A Right not only to Exercise Authority over Ecclesiastical Persons, but to Interpose in the ordering of Ecclesiastical Affairs* &c. And then adds; *How far the first Christian Emperors*

E. H.
Præf. l. v.
p. 259. C.

Emperors followed their Examples, were other Authors silent, yet that one Assertion of Socrates, would not suffer us to be ignorant, where he Affirms, that ever since they became Christians, the Affairs of the Church have depended on them, and the greatest Synods have been Assembled by their Order, and still (says he) continue to be so Assembled.

Content.
p. X. Ch. I.
§ 6.

Synagogue
Forms not
extant in
Scripture.

§ 6. We are not now to examine in this Part the History and Facts of Christian Emperours, in managing the Synods, save only by the by, 'tis Observable, that the Dr. has cited *Socrates* against himself. For the Dr. asserts, That all Synods whatsoever, were Assembled by Princes, but *Socrates* says only the greatest, as well knowing, that most of the lesser Synods Convened, and Acted all without the Imperial Knowledge or Concurrence. But to return to the proper Matter of the present Enquiry; it seems to the Dr. that the Emperours herein followed and copied after the Platforms of the *Jewish Princes*, herein manifest to every one that Reads their History in Scripture, as if the Scriptures had given us a Draught and Model of the *Synodical Polity*, and Forms under *Jewish Kings*. This had been a fine thing indeed, an happy Scheme for Church-Government; but there is none so great a Stranger to the Scriptures, as not to know, that they mention nothing hereof, nor of any Pretensions their Princes made to it. Here are no Frames of the Great *Sanhedrim*, no Tables of their *City-Councils*, no Platforms of their *Synagogues*, nor their *Synodical Conduct*,

duſt, under their Princes exhibited to us. So that 'twas ſo far impoſſible in Fact, that the Chriſtian Emperors herein exactly followed the *Jewiſh Patterns*, that there were no *Jewiſh Patterns* in Gods Word, to be followed at all, much leſs with exactneſs; nor is it probable, that the *Chriſtian Emperours* did ſo much as think of theſe *Jewiſh Kings* in their Synodical Councils, or had the Forms been certain, that they could have had ſuch a value for the *Synagogue*, as to think its Conſtitutions Fundamental to the Church, or ſuch an Imperial Authority over it; much leſs when the Scriptures give the *Polity* of the *Synagogue* none the leaſt mention, much leſs Recommendation and Authority to preſcribe Law to the *Chriſtian Church* for ever, but by its Absolute and Total Silence herein, ſeem to intend, that that *Polity* ſhould, inſtead of ſuch preſcriptive Power, together with the Law, be nailed to our *Saviours Croſs*, and be afterward decently buried in an Eternal Oblivion. And hence, tho' Men of *Rabbinic Learning*, are very fond to derive our Forms from their Patterns, yet we find no ſuch Conceptions hereof, among the Antients, as no ſhades of it in the *Scriptures*, nor Authority for it any where.

§ 7. But ſuppoſing the *Jewiſh Princes* had managed the Synods of the *Synagogue*, according to the Dr's *Aphoriſms*, and pretended a rightful Authority ſo to do, does it follow that they really had that Right, which they pretended to? If bare *Preſences* of Princes will create a *Right*, the diſpute is over; but then

then I must tell the Dr. he had never had any opportunity, or inducement to have written his Book for this sort of *Supremacy*. But if bare *pretences* alone, create no *Right*, and the Christian Emperours exactly followed them herein, then Christian Princes have hereupon only *pretence* for this their *Authority*. So that the Drs. Cause required *stranger Affections* of *Right* in the Jewish Kings, Assigned in the *Laws* and *Constitutions* of God, by which they were very particularly constituted. But herein there is the profoundest Silence, and that little that is said of the *Mishpat Hammelech*, the manner of the King, which they wickedly craved instead of God;

*Mishpat
Hammelech.*

i Sam. 8. 11,
to 19.

Cyp. Ep. 65. § 1. Et ut hoc ulcisceretur, excitavit eis Saul Regem, quae eos injuriis gravibus affigeret, & per omnes contumelias & penas superbum populum calcaret et premeret, ut contemptus Sacerdos de superbo populo divina ultione vindicaretur.

tho' it imports a Domination, yet does not so much assert a *Right*, as denounce it an uncontrollable oppression in punishment to their contempt of God and *Samuel*. But yet God, that was resolved so to deliver them up upon their own desires, yet limits the oppressions to *Matters Secular* only, not permitting the insolence to rage also over their *Sacred* and *Religious* Liberties, that there might from hence be no ground for any such barbarous and impious *Prescription* for any Princes Arbitrary lusts herein whatsoever.

§ 8. But to be as Concessive to the Dr. as is possible, suppose this Domination to have extended to their *Religious* Polity and *Liberties* also, will he hence prescribe from the malice of Jewish Kings, permitted by God in punishment

ment

ment to a *Rebellious People*, for the *Right* of such *Practices* in *Princes* upon the *Christian Church*, and the *same Christian Princes* too? And yet excepting this, he has nothing in the *Bible* that looks like any *Ordinance* for the suppression of the *Popular Liberties*, and none at all for the *Hierarchical*.

§ 9. Since then there is no *Law*, nor *Precedent* in the *Old Testament* for this sort of *Ecclesiastical Power* or *Authority* in either *Jewish* or *Christian Princes*; let us consider what other *Law* or *Constitution* can be found out, or supposed for its *legal Original*. And first we must consider the *State* of the *Question* in the first *Christian Emperors*, who are said to *Claim*, *Use*, and to be rightly *Invested* with this *Authority*, and particularly in *Constantine the Great*. Now he, being supposed to claim all these *Prerogatives* as his *Right*, antecedent to the *actual Exercise* thereof, must found it in *one*, or *other* of those *Originals* above summed up § 4. and yet I believe none of these will quadrate with the *Hypothesis*. For first, if it be founded in the *Natural Law* of *Sovereignty* simply, then all *Sovereigns*, *Heathens*, *Turks*, *Jews*, would simply have it; and all *Acts* of *Synods* otherwise managed would not only be *Nullities*, but *Rebellious Seditions*; which yet I presume no *Doctor* will allow. Not in any *express Revelation* of *God*, for there is none such in either *Testament*; not in any *General Laws* of *Nations*, as being antecedent to, and more general than *Christianity*, and in *Interests* *Temporal* only; not in any *Common Charter*

The Original of *Constantines* *Supremacy*.

Charter of Christian Nations as such, for such Charter, and such Nations there were none before Constantine; not in any Canons Ecclesiastical, for all those before Constantine's time had no respect to any Temporal Powers; not in any Contract of his with the Church; for such is nowhere mentioned in his History, which yet had been the most signal thing in it; nor at last in any Law of his own making; for no man can make a right or valid Law, but by some antecedent Authority vested in him so to do; and of this the Question properly lies. Now since here are none of the Originals extant in History, or Nature, or Revelation, the only remaining Plea must be prescription from immemorial precedents, that might warrant a legal presumption for some of these Originals. But Constantine had not one instance before him for this his Synodical Supremacy, for the three first Centuries after Christ, and the Plantation of the Powers Ecclesiastical; but all the prescription throughout those Ages was for the Hierarchy, in whose hands Constantine at his Conversion found it lodged in full Vigour and Authority, and is known and recorded to have owned it for Divine, as will appear in the second part. So that the Right, that is attributed by our Laws to our Kings, belonged not to Constantine the Great, and therefore must be lodged in some other Constitution, viz. the same as that of all our Common Laws, an Original Contract between the King and the Estates of this Realm, and that upon a Civil Incorporation of the Church, and its Powers, and Ordinances into the

The Legal
Original of
our Kings
Supremacy.

the Civil State and Secular Authority. But if any man shall think, that the Churches Authorities were given by God in order to Church Duties, and that the Church can no more part with *one* than the *other*, as being inseparable and conservient to Divine ends, and so make an invidious objection about our Frame, I hope no man will expect, that I should be such a Fool to expose my self to a *Middlesex* Jury; and so leaving this matter to God, and the Sense of all that love his Church, I am their Humble Servant; but as to *Constance* the Great, I dare swear he never dream'd of the business.

§ 10. Nay there was in his time a very obvious prejudice against such an Opinion, viz. that God, whose Ways are not as ours, nor his Thoughts like those of the Sons of Men, seeing the ineptitude of the Emperors, immersed in Secular Cares, to engross all Holy Authorities to themselves, and the Suspension of Impassure in Religions, insaid with the Power of the Sword, the Merchandize the Hypocrites would make of it, before its Divine Credit could be thoroughly established in the Hearts of Mankind, and the Reproaches consequent against it there-upon; did not think fit to call many Mighty, or many Noble, Wise, or great at first to the Profession of Christianity, nor permit any Princes by his Providence to exercise any formal Authority in the least over the

**Why Kings
were not
made the
first Apo-
stles.**

*Arhan. and
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τας παλαιάς τας ἰδίαις βλαστημίαις ἀναγεζῶν, καὶ ποιοῦν ὅτι μὴ χυ-
θῶν ζωὴν ἀλλ' ἐξ ἀπορίας καὶ στυγνότητος αἰχμαλωτῆς γένηται

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Church for 300 years, tho' *Abbas, Mamas,* and *Philip Gordius* are said to have been Christian; that the propagation of the Christian Church and Faith might not be attributed, nor attributable to the Power of Man, but of God only. Else it had been as easie, and as miraculous for our Lord to have made Princes his first Converts and Apostles, and founded this Supremacy in them, and their Successors beyond all Question for ever. But that it might never in time to come fall under the reproachful Imputation and Character of a *State Engine*, he lodged the Spiritual Powers elsewhere for three Centuries entirely, that hereupon the Church might be emboldened, as upon sure grounds, to assert her proper Powers unalienated and pure against all Atheistical Calumnies whatsoever thro' all Ages; that so, tho' they were to be subject to *Civil Powers* to the enforcement of their Duties, and for repression of Enormities, yet not to the Omission of their Duties and Cares, to which God hath called them; which is the general Rule and Standard of Subjection in all Countries, Ages, and Nations Universally, and forever.

The Christian Character of the first Princes in the Prescription.

§ 11. But there is one thing more to be considered in the two first Emperors instanced by the Doctor for this universal Domination of Princes over Synods, and that is, their *Christian Character*, to qualify them for this Omnipotency. For tho' the Doctor in his few interspersed Reasons for it, gives no distinctive grounds for an higher and interior

teriour Supremacy in Christian, than in Hea-
 then Princes; yet for a good Grace, he tells
 us, *That whatever Privileges do belong herein* Pref. p. 3.
to the Christian Magistrate, they belong to him p. 94, 96.
as such, which must, I suppose, be the
 Rule of Interpreting other Places, where he
 more loosely omits the *Christian Qualification*.
 But here I would fain know, what 'tis shall
 denominate a Prince Christian, and that in
 order to this Authority? For all *Internal*
Authority in all Powers presupposes a *right to*
Communion more or less, as the ground of
Authority, in all Societies whatsoever. And
 therefore the *Authorities* asserted by the
 Doctor to all *Christian Princes* must suppose a
right to Communion in all the matters subject
 to that *Internal Authority*. For he that has
 no right to receive Sacraments, has no *Inter-*
nal Right of Authority to make Laws about
 them; he who is not within the Commu-
 nion, has no Right to pass Sentence for the
 Election, or the Resignation of others. He
 may presume to do it upon an *uncontrovertible*
Force and Tyranny, and the reasons pretended
 for it may be in themselves good and neces-
 sary, and so be admitted and observed by
 the Church at the Command of an Usurping
 Power, not in Conscience of his just *Autho-*
rity, but for the reason of the thing, and for
 the avoiding unnecessary Persecution. But a
Right Internal there is none to them that are
 without. Now tho' *Constantine* and *Constan-*
tine so much concerned themselves about
 Church Synods, yet were they not yet Rap-
 tized into the plenary Communion of Saints

Internal Au-
 thority in
 Societies
 grounded
 upon an In-
 ternal Right
 of Commu-
 nion.

in the Christian Church, nor so much as made *Competents* or *Catechumens* by Imposition of Hands, and consequently what they did, about Ecclesiasticals, was not of an Office or Nature *Internal* to Ecclesiastical Polity or Communion, but common only to the Prerogative of Princes in *General*; or if it was of *Internal* importance, 'twas *Usurpation*, and a *Nullity* in it self. Had they been *Catechumens* or *Competents*, a pretence might have thereupon been formed, that they alone might make Ordinances for those preliminary Stations; but not surely for *Baptism*, *Confirmation*, *Lords Supper*, *Holy Orders*, *Anathemas*, *Absolutions*, &c. Had they been Baptized, and so qualified for *Confirmation* and the *Eucharist*, it might not have looked so odd in them to have set Rules for such *Sacraments*, and the common *Laity* in their Celebration, but for *Ordinations*, and *Hierarchi- cal Powers* of the Spirit over the Souls of the *Laity*, and *Clergy*, how incongruous must it have been in any Emperour to assume the whole Legislature and Ordinance? In these therefore the Laws of Princes may well follow Ecclesiastical Constitutions by the Sanction of Secular Penalties; but the Constitutions of Sacred Canons ought not to be taken away from the *Hierarchy*, and lodged only in a Lay-hand that holds a long Sword, and for no other Reason, but this, that the Sword is in it, lest they that use it *Sacrilegiously*, perish by it *Eternally*. For as to *Constantinus*, whom most accuse to be a resolute Heretick, and they, that speak most fairly

Constantinus
his want of
Right over
Synods.

of

of him, represent him as Patron of Heresie through simple Ignorance, he thereby became, not a *Guardian* of the Church, or the publick Peace thereupon, hereby to found his *Right* of Supremacy, but a very great Persecutor and Embroiler of the Catholick Church even by *managing Synods*, which no doubt in an Unbaptized state of Heresie he had no true *Right*, nor proper *Authority* to do; for whatsoever *Right* a mere *Alien Prince* may have, while he professes no Enmity, no doubt a *Professed Enemy* has no *Lawful Authority* to manage that *Divine Society*, and its Principles, which he designeth to destroy by *that very management*. And so I resolve, that *Constantine* having declared himself against the *Homoousion* had no *Authority* to call or manage any Synod at all, and that no Obedience or Conformity to his Calls were due in Conscience to his Power, tho' it might be in Duty to God, and Care for his Soul, as well as the Souls in general of the whole Church, the *whole Authority* of meeting being in the Catholick Bishops, but none at all in *him* or his *Arians*. I might here add, that the Fathers might Convene upon his Call, for *fear* of Persecution, not in Conscience of Duty to it; but I think this did not so far enslave them as to obey, but the hopes they had of doing him and the whole Church the useful Services of true Faith and Piety. And hence it was, that when upon their Persecution he would not in answer concede their Dissolution, at *Ariminum*, they dissolved themselves, not thinking them-

Right of
Dissolution.

p. 77.

selves guilty of any sin of Disobedience; (for who could imagine so of the Conscience of 400 Catholick Bishops, suffering for the Faith under *Constantius* his Tyranny ?) tho' the Dr. so charges them; notwithstanding the resentments of the Emperour at their Dissolution. Which when he mentioned, I wonder he did not see the Contradiction of, so vast a Council of Orthodox Bishops, against his Proposition, laid down in the immediately precedent page, *That the Clergy have ever acknowledged it for a Right of Christian Princes, that no Synods can dissolve themselves, nor depart from any such Council, without the License of the Christian Prince, as he accounts Constantius to have been; nor does he think any thing of the different Opinions of the Rōmish, Greek, and Eastern Clergy, whose unanimous suffrage, I suppose he has not in this Matter.*

p. 66.

Sequitur quædam Testimonia Veterum
Athan. cont. Arian. Orat. 1. Tom. 1.
p. 295. de Patribus Nicænis. ἐκ ἀνάγκης ὁ
καίσαρ τὰς ἡγὰν ὅτι τὰ πρῶτα, ἀλλὰ πάντες περι-
ρίσσει τὴν ἀλήθειαν ἡξειώμενοι.

Synodorum
Libertas.

Synodus
Tyriensis con-
Athan.

Synod. Alexandrin. ap. Athan. Apolog.
Tom. 1. p. 728. C. De Pseudo-Synodo Ty-
ri cont. Athan. coacta. πῶς ὁ Σύνοδος ἐνα-
μαζεν πολλοὺς, ὡς Κομνὸς περὶ τὴν ἡμετέραν
παρὴν Σπικυλάτωρ, καὶ Κομνὸς τὰ ἐξ ἡμῶν
ἐπὶ τὴν ἀντὶ Δακρυῶν τῆς Ἐκκλησίας, Ἐκ-
κλησίαν ἐφ' ἧς τὸ ἐξ ὧν καὶ οἱ περὶ τὴν ἐκκλησίαν
καὶ τὸν λαόν τῆς Κομνῆς, καὶ τὸν λαόν τῆς

τὰς δοκῦντας ἐπισκόπους ὑπὸ τῆς ἐκείνου βουλῆς
 ἐνέπιδιξεν· ἐκεῖν^Θ. ἐκέλευεν· ἡμᾶς ὑπὸ
 στρατιωτῶν ἡγούμεθα, &c. vide--- ibid. p. 730.
 εἰς γὰρ ἐπὶ τρεῖς αὐτοῖς τέλει χρεῖσιν μόνοις
 ὡς ἐπισκόποις τῆς Κόμης^Θ ἢ στρατιωτῶν
 χρεῖα; ἢ πῶς ὑπὸ βασιλικῆς συνήρμο
 γράμμασιν; εἰ ὁ βασιλεὺς ἰδεόντο, καὶ παρ'
 αὐτῷ τὸ κύρ^Θ. ἔχειν ἡδύλον, ὅτ' αὖ τί τινα χρεῖ-
 σιν αὐτῷ παρέλθον; Athan. ad Solitar. vir.
 agentes. Tom. 1. p. 831. D. de Paulino
 Trevirensi, Lucifero Sardiniae, Eusebio
 Vercellensi, & Dionysio Mediolanensi con-
 sulentibus Constantio; συνέβηλθον αὐτῷ,
 μὴ διαφθεῖρειν τὸ Ἐκκλησιαστικόν, μηδὲ
 ἐγκαταμίσειν τέλει Ῥωμαίων ἀρχῶν τῇ
 τῆς Ἐκκλησίας διαταγῇ, p. 832. Α. ἀντι-
 νάξατες τοῖνον οἱ αἰγιοὶ ἢ χειροτόν, καὶ πρὸς
 τὸ Θεὸν ἀναβλέψαντες, ὅτε ἀπειλῶν βασιλείας
 ἐφοβήθησαν. ibid. p. 833. A. Liberius Episc.
 Rom. ad Constantii Spadon. ἡμεῖς λαοὶ τῆν
 Ἐκκλησιαστικὴν Σύνοδ^Θ. μαχεῖν τῷ παλα-
 τῷ, ἐν ᾧ βασιλεὺς ἢ πρὸς τῶν, ἢ Κόμης ὡς
 γίνεται, ἢ διχαίης ἀπειλῶν· ἀλλὰ μόνον ὁ τῷ
 Θεῷ φόβ^Θ. ἀρχῆς, καὶ ἡ τ' Ἀποστόλων δια-
 τάξις. ibid. p. 839. D. Hosius Constantio
 de Constante Imperatore. πότε χρεῖσθαι
 ἐκκλησιαστικῶν μετ^Θ. γέγονε; p. 840. Α.
 μὴ πῶς οὐαυτὸν εἰς τὰ Ἐκκλησιαστικά·
 μηδὲ οὐ περὶ τούτων ἡμῶν ὡς κελεύει· ἀλλὰ
 μάλλον παρ' ἡμῶν οὐ μάνθανε παῦτα. Σαί
 Κ4 βα-

βασιλείαν ὁ Θεὸς ἐνεχειρίσιν· ἡμῶν πᾶ τ' Ἐκ-
 κλησίας ὁπίσθασε, καὶ ὡς περ ὁ τῶν σὺν ἀρχὴν
 ὑποκλίστων, ἀντιλέγει πρὸ διαπαξαμένης Θεῷ·
 ὦτω φοβήσῃ, μὴ καὶ σὺ τὰ τ' Ἐκκλησίας εἰς
 αὐτὸν (for σπαντὸν) ἔλκων ὑπεύδυνθῃ. ἐγ-
 κλήματι μεγάλῳ ἤρῃ· ἀπόδοι, γέγραπται,
 τὰ Καίσαρος, Καίσαρι· καὶ τὰ τῷ Θεῷ, τῷ Θεῷ·
 ὅτε τρίτον ἡμῶν ἀρχεῖν ὅλη γῆς ὄξεσιν· ὅτε αὖ
 τῷ δομῶν ὀξυσία· εἰς βασιλεῦ· *ibid* p. 861.
 B. τίς γὰρ βλέπων αὐτὴν ἑξάρχοντα τῆς νομιζο-
 μένων Ἐπισκόπου, καὶ προκαθημένου. Ἐκκλη-
 σιαστικῶν κρείστων, ἐκ ἀγγελῶν, ἀν' ὅτοι τετ'
 (3) τὸ *ἑξ* Δαντὶλ εἰρημένον βδ' ἰλνγμα τ'
 ἐρημώσας; τ' γὰρ χρεῖταισμον περιβεβλη-
 μένθ, καὶ εἰς τὴν ἀγῆς τόπυς εἰσπρόχόμεθ, ἐση-
 κῶς τε ἐν αὐτοῖς, ἐρημῶι τὰς Ἐκκλησίας πα-
 ραλύων τὴν τῶν κατόνας, καὶ τὰ ἴδια κρα-
 τεῖν βιάζόμενθ. *Nazian. in tertio Irenico.*
 ὑποτάσσόμεθα Θεῷ καὶ ἀλλήλοις, καὶ τοῖς ὅπῃ
 γῆς ἀρχεῖσι· Θεῷ *ἑξ* πάντα, *ἑξ* τῶν φιλα-
 δελφίαν ἀλλήλοις, δι' εὐταξίαν τοῖς ἀρχεῖσι,
 καὶ τοσούτω μᾶλλον, ὅσῳ περ ἂν ὡσιν ἡμετέ-
 ροι καὶ χρηστότεροι·---ὅτι ὅτιθ· εἰς τ' ἡμετε-
 ρων νόμων, καὶ ὅτιθ· τ' ἐπαινεμένων, καὶ ἁλλῆλα
 διατεταγμένων πρὸ πνεύματι, τὸ δυνατόν μῶ·
 πᾶ χαλῶ δοκιμάσαντι καὶ νομοθετήσαντι, ὡς περ
 δέουσι ὑπακούειν δεσπόταις, γυναῖκα ἀνδρα-
 σι, καὶ τῷ κυρίῳ τῶν Ἐκκλησιῶν, καὶ μαθηταῖς
 ποιμῶσιν καὶ διδασκαλοῖς, ὦτω ὅτι καὶ πᾶσαι ὀξυ-
 σταις ὑπερεχέταις ὑποτασσάσθαι. ἐ μένον *ἑξ*
 τῶν

τὴν ὁρμήν, ἀλλὰ καὶ διὰ τὴν συνειδήσιν. De-
inde ad Magnates & Rectores. ἀλλὰ δε-
ξασθε αὐτὴν παρρησίαν καὶ λόγον. καὶ ὁ τῷ Χριστῷ
τόμος ἑαυτοῦ δίδεται ὑμᾶς τῇ ἐμῇ διατάξει καὶ
τῇ ἐμῇ βίβλιν ἀρχιερέων καὶ ὑποτακτικῶν πρεσβυτέρων
καὶ ὅτι καὶ τὴν μέγαν καὶ πλεονέξαν ἀρχὴν.
ἢ εἰ τὸ πνεῦμα ἑαυτοῦ ὁρᾷ τῇ σαρκί, καὶ τοῖς
ῥητορικοῖς ταῖς ἐπιδείξεις διὰ τὴν παρρησίαν εἰδὼς
ὅτι πρεσβύτερος εἰς τὴν ἡμῶν πρίμην καὶ ἱερῆς ἱερῶν.

*Ambrosius. Lib. 5. Ep. 32. ad Valentin. Jun.
Imper. Augustæ memoria pater tuus, non solum
sermone respondit, sed etiam legibus suis sanxis, in
causâ fidei, vel ecclesiastici alicujus Ordinis, eum
judicare debere, qui nec munere impar sit, nec jure
dissimilis; — hoc est Sacerdotes de Sacerdoti-
bus voluit judicare. Quinetiam si alias quoque
argueretur Episcopus, & morum esset examinanda
causa, etiam hanc voluit ad Episcopale judicium
pertinere. — Quando audisti, clementissime
Imperator, in causâ fidei Laicos de Episcopo judi-
casse? Ita ergo quadam adulatione curvamus, ut
sacerdotalis juris finem immemores, & quod Deus
donavit mihi, hoc ipse aliis putem esse credendum,
si docendum est Episcopus à Laico, quid sequetur?
Laicum ergo disputer, & Episcopus audiat; Epis-
copus discat a Laico. At certe si vel Scriptura-
rum seriem divinarum, vel vetera tempora re-
tractemus, quis est qui abruit in causâ fidei, in
causâ, inquam, fidei Episcopus soleri de Impera-
toribus Christianis, non Imperatores de Episcopis
judicare? Eris, Deo favente, etiam Senectutis
Maturitate provectior, & tunc de hoc censebimus,
qualis ille Episcopus sit, qui laicis jus Sacerdo-
talis*

tale subfernit. *Pater tuus, Deo favente, ut
 thaurioris tui dicebas, non est autem judicare
 inter Episcopos, tua nunc dicit Clementia, ego
 debeo iudicare? Et ille baptizatus in Christo in-
 habilem se ponderi tanti putabat esse iudicii;
 clementia tua, cui adhuc emerenda baptismatis
 Sacramenta servantur, arrogat de fide iudicium,
 cum fidei ipsius Sacramenta non noverit?* —

*Si tractandum est, tractare in Ecclesia didici,
 quod maiores fecerunt mei; si conferendam de
 fide; sacerdotum debes esse illa collatio; sicut
 factum est sub Constantino Augusta memoria
 Principe, qui nullas Leges ante præmisit, sed
 liberum dedit iudicium Sacerdotibus. Factum est
 etiam sub Constantio Augusta memoria Imperatore,
 paterna dignitate barbare. Sed quod bene cepit,
 aliter consummatum est. Nam Episcopi sinceram
 primo scripserant fidem: sed dum volumus quiddam
 de fide intra palatium iudicare, id egerunt, ut
 circumscriptionibus illa Episcoporum iudicia mul-
 tarentur, qui tamen inflexibiles statim revocare
 sententiam.*

*Et Ep. l. 3. Orat. in August. &c. — videte
 quanto peiores Amici sunt quam Iudei: Illi qua-
 rebant utrum solvendum putaret Casari jus tri-
 buti: Isti Imperatori dare volunt jus Ecclesie.
 — Tributum Casari est, non negatur: Ec-
 clesia Dei est: Casari utique non debet addici.
 Quis jus Casari esse non potest Dei Templum.
 Quod cum honorificentia Imperatoris acceperit
 potest negare. Quid enim honorificentius quam
 ut Imperator Ecclesie filius esse dicatur? Quod
 canonicum, suo potius dicatur; cum gratia
 dicatur. Imperator enim ipse intra Ecclesiam,
 non supra Ecclesiam est. Romani enim Imperatores
 quare*

quartum auxilium Ecclesie ; non refutas, &c. Idem.
Ep. 32. ad Marcellin. Sacer. Conceditur ipse a
comitibus & tribunit, ut basilica fieret iuxta
traditio, dicentibus Imperatoris iure suo iuri ; eo
quod in potestate ejus essent omnia, Respondit
ea qua divina Imperatoria potestati non esse sub-
jecta. Allegatur Imperatori licere omnia ;
illius est universa ; Respondit, noli te gravare
Imperator, ut putes te in ea qua divina sunt, im-
periale aliquod jus habere. Noli te extollere, sed
si vis divinus imperare, esto Deus subditus.
Ad Imperatorem Palatia pertinent, ad Sacerdo-
tem Ecclesie Publicorum tibi munus jus commis-
sum est, non sacrorum.

Remarks upon the Book.

IT is a great absurdity to found the Title
 of our Kings on the pretended Right and
 Practice of the Emperors, since under the
 Emperors Synods acted simply as Ecclesia-
 stical Councils, and (tho' the Dr. is pleased
 most falsely to say the contrary) asserted
 the Canonical validity of their Acts, whe-
 ther the Prince would or no, tho' those
 Councils, which the Emperors called, gave
 them account of their Procedures, and for
 Peace (not Rights) sake, desired their Ap-
 probation, Concurrence, and Assistance. But
 the Councils of our Land, and those of the
 Neighbouring Nations, originally were made
 also Councils of State, by a Contract be-
 tween

tween the Kings, and the Church, and the Barons, and so became a part of the Civil Legislature, and their Canons to be made Laws by the Royal Assent. Upon which Constitution to such Ends, the Kings Assent and Ratification, became essentially Necessary. This appears all along from the Doctors own Account and Deduction of History, and therefore it is not only a false, but an absurd way of Arguing, from two different States of the Church, to assert the same Legal Rights to both. Of which, God willing, we shall discourse more fully and particularly in the second designed Part.

Arguments from Fact.

These are all that he uses for his unlimited Domination of all Princes over their Ecclesiastical Synods, and avers them as Legal Precedents; but when the Instances in Fact for the freedom of the Clergy are considered, these he denies to be evictions of Right.

Chap. 5. § 21.

<p>Pag. 295. The Anti- ent Emperors, we are well assured, did up their Councils to very strict Rules——— They sent Commissioners to sit with the Bishops, that so they might take care to keep</p>	<p>P. 296. 'Tis true the Clergy in those days did take the Liberty to Transact many things in their Convocations, without any particular License from the Kings ——— but that they did take</p>
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them within Bounds, take upon them to do
and see that they acted this, is no proof that
according to the Rules they had a Right to do
they had prescribed to it.

How this agrees with it self, or with the
design of proving the Rights of Kings from
Matter of Fact and Usage, I know not;
nor with what he asserts in Fact. Chap. 2.
S. 23. p. 47, 48. This is certain, that as the
calling of such Assemblies, has always depended
upon the Consent and Authority of the Prince;
so when they were Assembled, the Subject of their
Debates has been prescribed them by the same
Power, and they have deliberated on nothing, but
what they have been directed or allowed by the
Prince to do.

Book. Chap. 2. § 2. p. 10, 11.

It was a famous Saying of Constantine, the
First Christian Emperor, to his Bishops, 'That
' they indeed were Bishops in things within
' the Church, but that he was appointed by
' God to be Bishop as to those without.

Remark.

This Saying is directly against that univer-
sal Right and Authority in Synods Ecclesia-
stical, which the Dr. so frankly gives all
Christian Princes; if Constantine was a Bishop
in things only without the Church.

Of

Of Synods left them general.

Continues p. 10. He asserts all lesser Synods under the Roman Emperors, to have been actually called by the Emperors Authority, and so accordingly, Book, Chap. 2. § 6. p. 16.

These also (viz. lesser Synods) were convened by them, or were summoned by some Authority, that was derived from them. p. 17. They suffered not any Assembly of the Clergy to be made, but by their leave, and according to their direction. So § 13. p. 29, and § 19. p. 41.

But Chap. 2. § 2. p. 10. he cites Soanen saying, the greatest Synods have been Assembled by their Order, and still continue to be Assembled by them. Which plainly shews lesser Ones usually were not. And § 26. p. 62. he reports, that John of Antioch Arriving at Ephesus, after the Council there had condemned Nestorius, formed another Synod there, of about thirty Metropolitans, that came thither with him, and deposed Cyril President of the Imperial Council, &c. vide. So § 36. p. 86. He mentions two Provincial Synods, one at Rome under Celestine, and another at Alexandria under Cyril, condemning Nestorius before the Council of Ephesus; yet neither of these were called by the Imperial Authority. And ibid. p. 88. he relates another Synod at Rome, held by Pope Leo, rejecting the Acts of the second Ephesus Council, under Dioscorus, Called and Supported by the Emperor; which Roman Synod there-

therefore could not be Called, nor Authorized by the Emperor.

Chap. 2. § 4. p. 14.

It was necessary that, in order to their meeting lawfully, the express Command, or Allowance of the Emperor, should be had for their so doing. § 19. p. 41.--- They cannot lawfully meet, but as they are Commanded, or Allowed of by them. That they (Princes) and not the Clergy, are Judges when it is proper to Convene them.

Church has a Right to its sitting; and if its Circumstances be such, as to require their frequent Sitting, during those Circumstances, it has a Right to their frequent Meeting and Sitting, See Vide.

But p. 42. he thus yields, When ever the civil Magistrate shall so far abuse his Authority, as to render it necessary for the Clergy, by some extraordinary Methods, to provide for the Churches Welfare, that necessity will warrant that taking of them. And Ch. 5. § 4. p. 267. 268. When the Exigencies of the Church call for a Convocation, then I do confess the

Remark.

But if the Church has no Right to Judge of the time proper for their sitting, what benefit, or use is there to be had of their Right, or what extraordinary Methods of Session can they pretend to in provision for the Churches welfare? especially if that be true

true, which he says, Ch. 2. § 14. p. 32. *That the greatest Bishops of the Church in Constantius his days (which he reckons absurdly among the best times, § 15. p. 34.) did think it unlawful to hold a Council against the Princes Will; so that being forbidden by an Heretical Emperor, and that against all Right and Justice, on purpose that he might oppress them, so to do, they yet submitted to his Commands, and chose rather to suffer by their Obedience (I suppose rather not to suffer by Obedience) than to Usurp an Authority, which they were sensible, did not belong to them. See p. 34.*

Remark.

Now if this had been spoken only of General Councils, it had been agreeable to Church History, and our 21 Article; but the applying this against the Right of all Councils and Conventions whatsoever, is what comports, neither with truth, nor with his other fore-quoted *Concessions*.

Chap. 2. § 2. p. 19.

When the Vandals had over-run the greatest part of Africa, and by their Authority set up the Arrian Heresie in opposition to the Catholick Faith; which before prevailed in those parts; Honoricus their King, at the desire of the Arrian Bishops, summoned a general Convention of all the Catholick Bishops to meet at Carthage; and accordingly upon his Summons, they all came thither, and refusing to renounce the terms of the Council

Council of Nice, they were deprived of their Bishopsricks, and sent into Banishment by him.

Remark.

It is a strange inadvertency to bring an *Arian* Instance for a proper Authority in matters of Christianity, nay, and against the Catholick Faith too, against which no Princes have Authority to set up Heresie against the greater Authority of God: yet that *Arian* Prince had as good Authority to depose the Faith, as he had to Convene and Depose the Catholick Bishops, that is none at all, it being all a perfect nullity. But every act of uncontrollable Tyranny passes with the Dr. under the reputation of Authority.

Chap. 2. § 15. p. 34.

I believe, it would be difficult in those best and most early times of the Church to find out any Instance, wherein the Orthodox Bishops have ever departed from this Rule, or (which is much the same thing) have ever been justified by the Church, in those cases, in which they have departed from it.

Remark.

This is in effect a Revocation of his former avowed Assertion, that no lesser Synods were ever convened without the allowance of the Emperours. For tho' he says, it will be hard to find any contrary Instance; yet

L having

having himself given four in *John of Antioch, Celestine, Cyril, and Leo*, and there being infinitely more such to be produced out of the *Histories of the Empire*, he was forced in Conscience hereof to say, *That they were never justified for departing from this Rule, and that is much the same thing with not having departed from it.* But not so, good Sir: for in a confessed Right there is no need of a Justification; but it is sufficient in such, and so very many Synods held without any reference to Emperours, that there was no *Rule or Law* against them, nor ever any *Censure of Irregularity* past upon them; If the Prince was angry at it, he might call another to review the matters; but he never could condemn the Provincial Conventions, merely, for being made without his License.

Of the Total Authority.

This in all Acts Synodical he avowedly attributes to the Prince, yet unhappily falls sometimes into contrary instances and concessions unawares, as for example; chap. 2. § 24. p. 55. He says, *That in the sixth Council of Toledo, we find the very Constitutions themselves in some measure drawn by up the Order of Cinthius their King, and only Confirmed by the Synod.* Now where the Right of Confirmation was, there was the chief Internal Synodical Authority. Again, ch. 2. § 36. p. 87. He says of the sixth Council at Ephesus, *That they appointed the Emperors Order (for suspending the Sentence of Celestine, and Cyrills too Provincial Synods)*

Synods) to be inserted into their *Acts*, and thereby gave a kind of Conciliary Authority to it. But if Councils in themselves have all their Authority Conciliary from the Prince, how could that Council give any to his Order? Or how was it pertinent to the Doctors Principle, ch. 2. § 25. p. 56. to alledge *Roceswinthus, magno precatu deliberationis exhortantem*, exhorting the eighth Council of Toledo with great entreaty, to consider the matters he laid before them?

Of the Princes Ability to Judge matters Theological. ch. 2. § 31. p. 71, 72.

The Arguments given for this are very languid, and repugnant to common experience, and may as well be applied to the Reputation of a Beggars Judgment in Matters Divine. But yet it must be allowed, that before a Prince gives the Definitions of a Synod a Legal Sanction, or his own commendatory Suffrage, 'tis fit he should understand them; but the Spiritual Authority lies not in the Prince, but in the Spiritual Truth in matter of Faith enforced by the Canonical Order of Ecclesiastick Ministers, tho' the Doctor ascribes the Authority of imposing belief on the Subjects to the Confirmations of the Kings. *ib.* p. 75. I hope, saith he, they will think it to be their Duty, in order to his confirming their Decrees with a good Conscience, to convince him of the Truth of them, And not expect, that he should not only believe himself, but should oblige others to BELIEVE, what neither

he, nor they see any reason to believe. The Fa-
 thers, that scoured the second *Stonian* Creed
 (that dated it self in the Presence of *Con-*
stantius, and under the Consulship of *Fla-*
vinus Eusebius, and *Hypatius* in the tenth of the
 Calends of *June*) for ascribing so late a be-
 ginning in but the Presence of a Prince, how
 would they have blessed themselves, had
 they heard any man ascribe to Princes an *Auth-*
ority of making Subjects believe; or had they
 read any such passage as this; ch. 2. § 33.
 p. 79. *It is, I conceive, allowed on all hands,*
that their Definitions are no further obligatory,
than as they are ratified and confirmed by the
Civil Authority. For tho' the Faith of Christ
 neither depends upon the Authority of Man, nor
 is subject to the Power, either of Synods, or
 Princes, as to what concerns the truth of it:
 Yet what that Faith is, which shall be allowed
 to be professed in every Community by the Laws
 of it, and receive not only Protection, but En-
 couragement from the Civil Power, must be left
 to the Prince to determine. (So far 'tis tol-
 erable well) And the Definitions of Synods in fa-
 vour of it will signify very little, till what they
 have determined to be the Right Faith, be also
 allowed by the Civil Magistrate to be publicly
 Professed and Taught; and be received into his
 Favour, and under his Patronage as such? Sure
 the Doctor forgot the three first Centuries,
 and all other times of Princely Persecutions;
 under which the Synodical assertions of the
 Faith signified more to the convincing Men
 to Faith Ten Thousand times, than all the
 Encouragement of Christian Princes ever
 could,

could, did, or will. And therefore whatsoever liking any other Arch-Bishop might have had to this Doctrine of the Doctors, I hope this is none, for which the Doctor will challenge his present Graces approbation:

Of Ecclesiastical Censures.

These the Dr. makes all annihilable by the Will of Princes. But how then shall what they bind on Earth, be bound in Heaven, and their sins be retained, which they retain; if they are Repealable by an Earthly Prince? Has this Earthly Potentate a Commission to bind and loose, remit and retain in Earth and Heaven too, as the Church had, and has still, except he can take it away? The Doctor should have considered here, that Kings are only concerned in Church Censures, as by the Laws they are to have a Civil effect, not as to their Spiritual validity before God in Heaven.

Of the Right of Summons.

Ch. 3. § 5. p. 107.

Ch. 3. § 25. p. 141.

They have Right to nothing but a Summons, and it were no great matter, whether they had a Right to that, or no.

Yet I humbly conceive, that so ancient and settled a Custom ought to be held so. What! tho' 'tis no matter, whether they had this Right or no?

Of the Reason of the Royal Supremacy.

This he solemnly and universally places in the Sovereignty of all Christian Princes, as such; but ch. 3. § 25. p. 144. he lodges it in the Trust reposed and granted by the People. *The Government has intrusted him (our King) with the Power of giving them leave to sit, and all, when he pleases; and when he pleases, he may deny them to do either.* This is indeed the Truth, and only Truth in this matter; 'tis a concession and trust of the Estates to our Princes established by Common and Statute Law; which whether God approves, or no, must be left to his Judgment at last, when Men shall be called to account for what they have done herein, or hereupon. But in the mean time this Truth is a prejudice against that universal Right of all Christian Sovereigns herein by mere virtue of their Sovereignty.

Of the Parallel of Counsellor and Jury.
 Chap. 5. § 15. p. 289.

Will not their Resolutions be their own, because the King declared to them the general Matter upon which they were to consult? Is a Counsellor at Law of no Use, or has he no freedom of Opinion, because his Client puts his Case to him? Or does our Law unjustly call the answer of a Petit-Jury its Verdict, because the Judge summed up the Evidence to them, and directed them, not only upon what points, but from what proof

proof they were to raise it? What strange Notions must, &c. But what strange Notions must that Man have, that thinks a Synod to have only a freedom of Opinion, like a Counsellor, without any Decisive Authority, and yet compare that very freedom of Opinion to the Verdict of a Jury, which is Authoritatively Decisive? To compare the King to a Client, and a Synod to his Counsellor, and in the same breath to make the King a Judge, and so of Counsel to the Jury? Whatsoever esteem the rest of this Book may acquire among the learned of the Law, I do not pretend to Divine, but I believe this will raise no extraordinary Transports, and so let it pass.

And now I have done with my Remarks upon the Doctors Incongruities; which, tho' necessary to shew the weakness of the Work, that a false Reputation may not recommend the ill Principles, I had never offered to publick notice, had he not used his Generous Adversary, not only with extreme Spight, but undeserved Contempt, insulting over him as a Man of no Honesty, Logick, Law, or History, &c. I could have added a great many more such absurdities, but the employ is uneasy, and so I quit it; and shall only wish that the Doctor may humble himself to God for the wrongs he has done to the Church, and when he has done so, he will quickly endeavour to make her Reparation.

P I N I S.

